

APPENDIX: DAMAGE PREVENTION REGULATIONS
(MODELS AND STATUTES)

A.1 Office of Pipeline Safety Operations
1974 Model Statute*

Model Statute for the Prevention of Excavation Damage
to Underground Pipelines and Utilities

1. Purpose.

The purpose of this Act (,ordinance) is to prevent injury to persons and damage to property resulting from excavation damage to underground utilities.

2. Definitions

As used in this Act (ordinance):

(a) "blasting" means the use of an explosive device for the excavation of earth or the demolition of a structure;

(b) "damage" includes but is not limited to the substantial weakening of structural or lateral support of a utility line, penetration or destruction of any utility line protective coating, housing or other protective device, and the severance (partial or complete) of any utility line;

(c) "excavate" or "excavation" means the movement of earth by use of mechanized equipment or explosive device and includes, but is not limited to, augering, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling;

(d) "excavator" means any person who engages in excavation;

(e) "mechanized equipment" means equipment powered or energized by any motor used for excavation or demolition work including, but not limited to, trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows or other equipment used for plowing-in or pulling-in cable or pipe;

* Drafted by the Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590 -- October 1974.

(f) "person" means an individual, partnership, association, corporation, a State or any subdivision or instrumentality of a State, and their employees, agents, or legal representatives;

(g) "utility operator" means a person who supplies any of the following materials or services by means of an underground utility line:

- (1) flammable, toxic or corrosive gas,
- (2) petroleum, petroleum products, or hazardous liquids,
- (3) electricity,
- (4) communications,
- (5) sewage disposal, and
- (6) water;

(h) "utility line" means any cable, pipeline or other conduit, installed underground, by which a utility operator furnishes material or services;

(i) "working day" means every day, except Saturday, Sunday and legal State holidays.

3. Recorder of Deeds; duties.

(a) The Recorder of Deeds (Director of Public Works, Public Utilities Commissioner or other designated public official) shall maintain a file of the written notices of utility line location required to be filed by utility operators under section 4(a).

(b) The Recorder of Deeds shall maintain a file of the written notices of excavation or blasting filed pursuant to section 5(a), indicating the date the notice was filed and the date the excavation or blasting was scheduled to commence.

(c) The Recorder of Deeds shall, prior to filing the notice of excavation or blasting, verify the completeness of the listing of utility operators and shall, immediately upon filing, forward a copy of the written notice of excavation or blasting to each utility operator identified in the notice.

4. Utility operators; filing of notices; responsibilities.

(a) Within 30 days of the effective date of this Act, each utility operator shall file with the Recorder of Deeds in each county wherein its utility lines are located a written notice containing the following information:

- (1) The name of the utility operator;
- (2) A list of every city, village, borough, township or district wherein its utility lines are located;
- (3) The name, address and telephone number of the person to whom telephonic or written inquiries concerning the precise location of its utility lines may be addressed.

(b) Changes in any of the information contained in a written notice filed under section 4(a) shall be filed with the Recorder of Deeds within five working days of the change.

(c) A utility operator shall review each notice of excavation or blasting received from the Recorder of Deeds and shall immediately **supply** the excavator with the following information:

- (1) The location and description of any of its utility lines which may be damaged as a result of the excavation or blasting;
- (2) The location and description of any utility line markers indicating the location of the utility lines; and
- (3) Any other information that would assist the excavator in locating and thereby avoiding damage to the utility lines.

(d) A utility operator shall provide adequate temporary markings indicating the location of the utility line where permanent utility line markers do not exist.

5. Notice of excavation or blasting.

(a) A person may not excavate or engage in blasting unless a written notice of excavation or blasting is filed with the Recorder of Deeds at least five but not more than 30 working days prior to commencement of the excavation or blasting. The notice of excavation or blasting shall contain the following information:

(1) The name, address and telephone number of the person performing the excavation or blasting;

(2) The location and description of the projected excavation or blasting in sufficient detail to enable a utility operator to determine whether any of its utility lines may be subject to damage;

(3) The date the excavation or blasting is scheduled to commence;

(4) The name of all utility operators engaged in business in the city, village, borough, township, or district where the excavation or blasting is to be performed.

(b) A written notice of excavation or blasting is not required for emergency excavation or blasting by a utility operator to eliminate an imminent danger to health or property provided, however, that the utility operator gives prior oral notice of the emergency excavation to each utility operator having utility lines located in the city, village, borough, township or district where the emergency excavation is to be performed and requests emergency assistance from each utility operator **so** identified in locating and providing protection to its utility lines.

6. Excavation, blasting; reports of damage.

(a) A person engaging in excavation or blasting shall take every reasonable precaution to avoid damage to a utility line located and described by a utility operator under section 4 of the Act.

(b) A person who damages a utility line while excavating or blasting shall immediately notify the utility operator of the location and nature of the damage and shall allow the utility operator a reasonable time to repair the damage before completing the excavation around the utility line.

(c) The excavator shall immediately warn persons in the vicinity of an excavation site of any break in a utility line resulting in the escape of any flammable, toxic, or corrosive gas or liquid and shall immediately notify emergency response personnel, including the police, fire department and the affected utility operators.

7. Excavation or blasting permits; conditions.

No public agency shall issue a permit for excavation or blasting unless a copy of the written notice of excavation or blasting filed under section 5(a) verified by the Recorder of Deeds accompanies the application.

8. Civil penalty.

Any person who violates this Act shall be subject to a civil penalty of not more than \$1,000 for each offense by the _____. All actions to recover the penalties assessed shall be brought by the attorney general (city, county or district attorney) upon complaint of the appropriate local officials. All such actions shall be brought in the district court having jurisdiction over the place where the violation occurred or in which the defendant has his residence or principal place of business. All civil penalties collected shall be paid into the State general funds (the general funds of the city, county, etc.).

9. Severability.

If any provision of this Act or the applicability thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

10. Effective date.

This Act shall become effective 90 (120) days after the date of its enactment.



OFFICE OF

PIPELINE SAFETY

DEPARTMENT OF TRANSPORTATION ■ OFFICE OF THE SECRETARY

Advisory Bulletin No. 75-2

February, 1975

REGULATIONS ON QUALIFICATION OF PIPE TRANSPORTED BY RAILROAD UPDATED... On February 6, 1975, the OPS amended the Federal gas pipeline safety standards contained in 49 CFR, Part 192, to: (1) incorporate by reference the 1972 edition of the American Petroleum Institute document API RP5L1, entitled "API Recommended Practice for Railroad Transportation of Line Pipe," and (2) require that in the case of certain pipe transported by railroad, the transportation be in accordance with the 1972 edition of API RP5L1, except that before February 25, 1975, the transportation may be in accordance with the 1967 edition. The 1967 edition of API RP5L1 is also incorporated by reference in Part 192. Incorporation by reference of the 1967 edition is continued so as not to preclude the use of pipe transported in accordance with that edition before the effective date of the amendment.

Relates
to 49 CFR,
5192.65
and
Appendix
A, Part 192

Reprints of Amendment 192-17, Docket No. OPS-26 (40 Fed. Reg. 6345, February 11, 1975), are being sent to those parties on the OPS mailing lists.

CLARIFICATION OF INTENT ON MODEL STATUTE PROPOSED FOR PREVENTION OF DAMAGE TO PIPELINES... Recent comments indicate some confusion in understanding the provisions of the Model Statute for the Prevention of Excavation Damage to Underground Pipelines and Utilities which was sent to all State Governors by the Secretary of Transportation in late 1974. The revised Model Statute incorporates changes and improvements to an original version proposed by the OPS in January 1972. In revising the Model Statute, DOT provided several alternatives and administrative flexibility to accommodate the legal and factual differences present in the various States. Nevertheless, some confusion apparently exists regarding the acceptability under the Statute of "one-call" notification systems, or activities of local utility coordinating councils. The intent of the Model Statute was not to preclude use of those systems which in many areas have been successful. To this end, Section 2(f) of the Statute provides that the term "person" as used in the Model Statute includes the agents of the business and governmental entities subject to the Statute. The purpose of this inclusion was to expressly authorize "excavators" and "utility operators" to discharge their obligations under the Statute through a designated agent including a common but separate entity (such as a utility coordinating council). As their designated agent, this person or entity would discharge all responsibilities relating to the filing of notices and the providing of other information required by the Statute.

In addition to authorizing the use of an agent for the required filings, Section 3 of the revised Model Statute by the parenthetical expression contained in Subsection 3(a) suggests, but does not require, that a utility council or "one-call" system be the public entity designated under the Statute to receive and maintain a permanent public written record of all information required to be filed under the Statute. It is recognized, however, that this procedure may not be permitted in all States because of varying legal or constitutional restrictions.

(Continued)

The Model Statute attempts to present a guide with various suggested alternatives to accommodate as fully as possible those differing situations that exist in each State while providing effective statutory procedures for the protection of underground pipelines and utilities from excavation damage.

A.2 Office of Pipeline Safety Operations
1977 Model Statute

Model Underground Utility Damage Prevention Act

The Problem. Excavation or demolition operations that are performed without knowledge of the presence or location of underground utilities or without reasonable precaution when such presence or location is known, has and continues to be a cause of damage to such utilities that can result in loss of life, health, and property.

The Purpose. The purpose of the suggested state legislation is, among other things, to provide the procedures that are considered necessary to insure that persons performing excavation or demolition operations know, prior to commencing such operations, of the presence or location of underground utilities in the excavation or demolition area.

The suggested legislation also provides that certain precautions be taken to avoid damage to underground utilities during excavation and demolition operations, for notices to affected parties when underground utilities are damaged, and for penalties for violations of the Act.

This draft legislation was developed by the U.S. Department of Transportation's Materials Transportation Bureau, OPSO, which has its offices located at 2100 2nd street, S.W., Washington, D.C. 20590.

An Act relating to the prevention of negligent or unsafe excavation or demolition operations resulting in damage to underground utilities.

Be it enacted by the People of the State of (State), represented in the (General Assembly):

Section 1. (Short Title.) This Act may be cited as the "Underground Utility Damage Prevention Act".

Section 2. (Definitions.) As used in this Act:

(1) "damage" includes the substantial weakening of structural or lateral support of an underground utility, penetration or destruction of any protective coating, housing or other protective device of an underground utility, and the partial or complete severance of an Underground utility;

(2) "demolish" or "demolition" means any operation by which a structure or mass of material is wrecked, razed, rendered, moved or removed by means of any tools, equipment, or discharge of explosives;

(3) "excavate" or "excavation" means an operation for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment or by discharge of explosives, and including augering, backfilling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching and tunneling, but not including the tilling of soil for agricultural purposes;

(4) "mechanized equipment" means equipment operated by means of mechanical power including trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows and other equipment used for plowing-in or pulling-in cable or pipe;

(5) "person" means any individual; any corporation, partnership, association, or any other entity organized under the laws of any State; any subdivision or instrumentality of a State; and any employee, agent, or legal representative thereof;

(6) "utility" means any line, system or facility used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam or sewerage;

(7) "operator" means any person who owns or operates a utility; and

(8) "working day" means every day, except Saturday, Sunday, and national and legal State holidays.

Section 3. (Excavation and Demolition Permits.) A permit issued pursuant to law authorizing excavation or demolition operations, shall not be deemed to relieve a person from the responsibility for complying with the provisions of this Act.

Section 4. (Prohibition.) Except as provided in section 9, no person may excavate in a street, highway, public space, a private easement of an operator, or near the location of a utility installed on the premises of a customer served by such utility, or demolish a building without having first ascertained in the manner prescribed in sections 6 and 8 the location of all underground utilities in the area that would be affected by the proposed excavation or demolition.

Section 5. (Filing Requirements of Utility Operators.)

(a) No later than 30 days before the effective date of all other sections of this Act, each operator having underground utilities in (name of state, county, or appropriate jurisdiction) shall file with the (clerk of the county or the clerk of each county in which these utilities are located) a list containing the name of every city, village, township, and section within the township in the county in which it has underground utilities (including those utilities that have been abandoned in place by the operator but not yet physically removed), the name of the operator and the name, title, address and telephone number of its representative designated to receive the written or telephonic notice of intent required by section 6.

(b) Changes in any of the information contained in the list filed under section 5(a) shall be filed by the operator with the (clerk of the county or the clerk of each county in which these utilities are located) within five working days of the change.

Section 6. (Notice of Intent to Excavate or Demolish.)

(a) Except as provided in section 9, before commencing any excavation or demolition operation designated in section 4, each person responsible for such excavation or demolition shall serve

written or telephonic notice'of intent to excavate or demolish at least three, but not more than ten full working days

1. On each operator which has filed a list required by section 5 indicating that it has underground utilities located in the proposed area of excavation or demolition; or
2. If the proposed area of excavation or demolition is served by an association provided for in section 7, on such association and on each operator which has filed a list required by section 5 indicating that it has underground utilities in the proposed area of excavation or demolition that is not receiving the services of the association; provided,

where demolition of a building is proposed, operators shall be given reasonable time to remove or protect their utilities before demolition of the building is commenced.

(b) The written or telephonic notice required by section 6(a) must contain the name, address, and telephone number of the person filing the notice of intent, and, if different, the person responsible for the excavation or demolition, the starting date, anticipated duration, and type of excavation or demolition operation to be conducted, the location of the proposed excavation or demolition, and whether or not explosives are to be used.

(c) If the notification required by this section is made by telephone, an adequate record of such notification shall be maintained by the operators and associations notified to document compliance with the requirements of this Act.

Section 7. (Operator Associations.) Operators may form and operate an association providing for mutual receipt of section 6 notifications of excavation or demolition operations in a defined geographical area. An association that provides such service on behalf of operators having underground utilities within (name of state, county, or appropriate jurisdiction), shall file with the (clerk of the county or the clerk of each county in which those

utilities are located) the telephone number and address of the association, and a list of the names and addresses of each operator receiving such service from the association.

Section 8. (Response to Notice of Intent to Excavate or Demolish.) Each operator or designated representative (including an association established in accordance with section 7) notified in accordance with section 6 shall, not less than two working days in advance of the proposed excavation or demolition (unless a shorter period is provided by agreement between the person responsible for the excavation or demolition and the operator or designated representative), supply, by use of maps when appropriate, the following information to the person responsible for the excavation or demolition:

- (1) The approximate location and description of all of its underground utilities which may be damaged as a result of the excavation or demolition;
- (2) The location and description of all utility markers indicating the approximate location of the underground utilities; and
- (3) Any other information that would assist that person in locating and thereby avoiding damage to the underground utilities including, providing adequate temporary markings indicating the approximate location of the underground utility in locations where permanent utility markers do not exist.

For purposes of this section the approximate location of underground utilities is defined as a (strip of land at least 3 feet wide but not wider than the width of the utility plus 1-1/2 feet on either side of the utility.)

Section 9. (Emergency Excavation or Demolition.) Compliance with the notice requirements of section 6 is not required of persons responsible for emergency excavation or demolition to ameliorate an imminent danger to life, health, or property, provided, however, that such persons given, as soon as practicable, oral notice of the emergency excavation or demolition to each

operator having underground utilities located in the area (or to an association provided for in section 7, that serves an operator) where such excavation or demolition is to be performed and requests emergency assistance from each operator so identified in locating and providing immediate protection to its underground utilities. An imminent danger to life, health, or property exists whenever there is a substantial likelihood that loss of life, health, or property will result before the procedures under sections 6 and 8 can be fully complied with.

Section 10. (Precautions to Avoid Damage.) In addition to the notification requirements of section 6, each person responsible for any excavation or demolition operation designated in section 4 shall -

(1) Plan the excavation or demolition to avoid damage to or minimize interference with underground utilities in and near the construction area;

(2) Maintain a clearance between an underground utility and the cutting edge or point of any mechanized equipment, taking into account the known limit of control of such cutting edge or point, as may be reasonably necessary to avoid damage to such utility; and

(3) Provide such support for underground utilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such utilities;

Section 11. (Excavation or Demolition Damage.)

(a) Except as provided by section 11(b), each person responsible for any excavation or demolition operation designated in section 4 that results in any damage to an underground utility shall, immediately upon discovery of such damage, notify the operator of such utility of the location and nature of the damage and shall allow the operator reasonable time to accomplish necessary repairs before completing the excavation or demolition in the immediate area of such utility.

(b) Each person responsible for any excavation or demolition operation designated in section 4 that results in damage to an underground utility permitting the escape of any flammable, toxic, or corrosive gas or liquid shall, immediately upon discovery of such damage, notify the operator, police and fire departments, and take any other action as may be reasonably necessary, to protect persons and property and to minimize the hazards until arrival of the operator's personnel or police and fire departments.

Section 12. (Civil Penalties.) Any person who violates any provision of this Act shall be subject to a civil penalty of not to exceed (\$1,000) for each such violation. Actions to recover the penalty provided for in this section shall be brought by the (State's Attorney) at the request of any person in the (circuit court) in and for the (county) in which the cause, or some part thereof, arose or in which the defendant has its principal place of business or resides. All penalties recovered in any such actions shall be paid into the (general fund) of the State. This Act does not affect any civil remedies for personal injury or property (including underground utilities) damage except as otherwise specifically provided for in this Act.

Section 13. (Severability.) If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 14. (Effective Date.) Except for the filing requirement of section 5, this Act is effective (120) days after the date of its enactment. Section 5 is effective upon enactment of this Act.

A.3 Michigan Statute

1974 Regular Session

Public Utilities-Excavating or Discharging
Explosives-Notice

Public Act No. 53

House Bill No. 4700

STATE OF MICHIGAN
77TH LEGISLATURE
REGULAR SESSION OF 1974

Introduced by Reps. Strang, Forbes, Cawthorne, Thomas J. Anderson, Trezise and Sietsema

ENROLLED HOUSE BILL No. 4700

AN ACT to protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near underground facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie presumption of negligence for failure to give the notices; and to prescribe penalties.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) "Person" includes an individual, partnership, corporation, or association including a person engaged as a contractor by a public agency but "person" does not mean a public agency.

(b) "Public agency" means the state, a city, village, township, county or any other governmental entity.

(c) "Public utility" means a natural gas company subject to the jurisdiction of the federal power commission or an electric, steam, gas, telephone, power, water or pipeline company subject to the jurisdiction of the public service commission pursuant to Act No. 3 of the Public Acts of 1939, as amended, being sections 460.1 to 460.8 of the Michigan Compiled Laws, Act No. 9 of the Public Acts of 1929, being sections 483.101 to 483.120 of the Michigan Compiled Laws, Act No. 18 of the Public Acts of 1929, being sections 483.1 to 483.11 of the Michigan Compiled Laws, Act No. 19 of the Public Acts of 1967, as amended, being sections 486.551 to 486.571 of the Michigan Compiled Laws, or Act No. 165 of the Public Acts of 1969, being sections 483.151 to 483.162 of the Michigan Compiled Laws, a person, city, village, county, the state, or other governmental entity owning or operating cable television facilities, and a city, village, county, the state, or other governmental entity owning public service facilities for supplying water, light, heat, gas, power, or sewage disposal.

Sec. 2. This act does not apply to a person or public agency using only nonpowered hand tools in performing excavating or tunneling operations described herein.

Sec. 3. A person or public agency shall not discharge explosives, excavate, or tunnel in a street, highway, public place, a private easement of a public utility, or near the location of a public utility facility owned, maintained, or installed on a customer's premises, or demolish a building containing a public utility facility without having first ascertained in the manner prescribed in sections 5 or 7 the location of all underground facilities of a public utility in the proposed area of excavation, discharging of explosives, tunneling, or demolition.

Sec. 4. A public utility having underground facilities in a county shall file with the clerk of the county a list containing the name of every city, village, township, and section within the township in the county in which it has underground facilities, the name of the public utility and the title and address of its representative designated to receive the written notice of intent required by section 5.

Sec. 5. Except as provided in sections 7 and 9, a person or public agency responsible for excavating or tunneling operations or discharge of explosives in a street, highway, other public place, a private easement for a public utility, or near the location of utility facilities on a customer's property, or demolition of a building containing a utility facility, shall serve a written notice of intent to excavate, tunnel, discharge explosives, or demolish at least 2 full working days, excluding Saturdays, Sundays, and holidays, but not more than 3 months, before commencing the excavating, demolishing, discharging of explosives or tunneling operations on the public utility having underground facilities located in the proposed area of excavation, discharging of explosives, tunneling, or demolition.

The written notice of intent shall contain the name, address, and telephone number of the person or public agency filing the notice of intent, the name of the person or public agency performing the excavation, discharging of explosives, tunneling, or demolition, the date and type of excavating, discharging of explosives, demolishing, or tunneling operation to be conducted, and the location of the excavation, tunneling, discharging of explosives, or demolition.

Sec. 6. A public agency that pursuant to law requires a person to obtain a permit, shall require as a condition of the permit that the person shall comply with the requirement of this act.

Sec. 7. (1) Two or more public utilities may form and operate an association providing for mutual receipt of notification of construction activities in a specified area. In areas where such an association is formed, notification to the association shall be effected in writing as set forth in section 5 or by telephone call, providing the same information required by section 5, made by the person or public agency responsible for the excavating, demolishing, discharging of explosives, or tunneling operations. In areas where such an association is formed, the public utilities having underground facilities in the area shall become a member of the association or shall participate in and receive the services furnished by the association. A public utility owned by a public agency shall participate in and receive the services furnished by the association and shall pay their share of the costs and services furnished, but shall not be required to become a member of the association. The association, whose members or participants have underground facilities within a county, shall file with the clerk of the county a description of the geographical area served by the association and list the name and address of every member 2nd participating public utility.

(2) If notification is made by telephone an adequate record shall be maintained by the association to document compliance with the requirements of this act.

Sec. 8. A public utility served with the notice in accordance with sections 5 or 7 shall, not less than 1 working day in advance of proposed construction, unless otherwise agreed between the person or public agency performing the excavation, discharging of explosives, tunneling, or demolition and the public, utility, inform the person or public agency of the approximate location of the underground facilities owned or operated by the public utility in the proposed area of excavation, discharging of explosives, tunneling, or demolition, in a manner as to enable the person or public agency to employ hand-dug test holes or other similar means of establishing the precise location of the underground facilities using reasonable care to establish the precise location of the underground facilities in advance of construction. For the purposes of this act the approximate location of underground facilities is defined as a strip of land at least 3 feet wide but not wider than the width of the facility plus 1-1/2 feet on either side of the facility. If the approximate location of an underground facility is marked with stakes or other physical means the public utility shall follow the color coding prescribed herein.

Utility and Type of Product	Specific Group Identifying Color
Electric power distribution and transmission	Safety red
Municipal electric systems	Safety red
Gas distribution and transmission	High visibility safety yellow
Oil distribution and transmission	High visibility safety yellow
Dangerous materials, product lines	High visibility safety yellow
Telephone and telegraph systems	Safety alert orange
Cable television	Safety alert orange
Police and fire communications	Safety alert orange
Water systems	Safety precaution blue
Sewer systems	Safety brown

If the precise location of the underground facilities cannot be established, the person or public agency shall then notify the public utility which shall provide such further assistance as may be needed to determine the precise location of the underground facilities in advance of the proposed excavating, tunneling, discharging of explosives, or demolition operations. Where demolition of a building is proposed and the public utility is notified, it shall be given reasonable time to remove or protect its facilities before demolition of the building.

Sec. 9. (1) In case of emergency involving danger to life, health, or property or which requires immediate correction in order to continue the operation of a major industrial plant, or to assure the continuity of public utility service, excavation, maintenance, or repairs may be made without using explosives if notice and advice thereof, in writing or otherwise, are given to the public utility or association as soon as reasonably possible.

(2) In case of an emergency involving an immediate and substantial danger of death or serious personal injury, explosives may be discharged if notice and advice thereof, in writing or otherwise, are given to a public utility or an association at any time before the discharge is undertaken.

Sec. 10. This act shall not be construed to authorize, affect, or impair local ordinances, charters or other provisions of law requiring permits to be obtained before excavating or tunneling in a public street or highway or to construct or demolish buildings or other structures on private property nor construed to grant to any person or public agency any rights not specifically provided by this act. A permit issued by a public agency shall not be deemed to relieve a person from the responsibility for complying with the provisions of this act. The failure of any person, who has been granted a permit, to comply with the provision of this act shall not be deemed to impose any liability upon the public agency issuing the permit. This act shall not preclude establishment of working agreements between public utilities and contractor associations to accomplish the intent and purpose of this act.

Sec. 11. Upon receiving the information provided for in sections 5 or 7, a person or public agency excavating, tunneling, or discharging explosives shall exercise reasonable care when working in close proximity to the underground facilities of any public utility. If the facilities are to be exposed, or are likely to be exposed, only hand-digging shall be employed in such circumstances and such support, as may be reasonably necessary for protection of the facilities, shall be provided in and near the construction area.

Sec. 12. When any contact with or damage to any pipe, cable, or its protective coating or any other underground facility of a public utility occurs, the public utility shall be notified immediately by the person or public agency responsible for the operations causing the damage. Upon receiving the notice, the public utility shall dispatch personnel to the location as soon as possible to effect temporary or permanent repair of the damage. If a serious electrical short is occurring or if dangerous fluids or gases are escaping from a broken line, the person or public agency responsible for the operations causing the damage shall evacuate the immediate area while awaiting the arrival of the public utility personnel.

Sec. 13. A public utility whose underground facilities are damaged may file a complaint against the person responsible therefor with the prosecuting attorney of the county wherein the damage occurred. If the person failed to comply with the notice or due care requirements of this act, the prosecuting attorney shall prosecute the case in a court of competent jurisdiction. This act does not affect any civil remedies for damage to public utility facilities except as otherwise specifically provided ~~or~~ in this act.

Sec. 14. In a civil action in a court of this state, when it is shown by competent evidence that damage to the underground facilities of a public utility resulted from excavating, tunneling, or demolishing operations, or the discharge of explosives, as described in section 3, and that the person responsible for giving the notice of intent to excavate, tunnel, demolish, or discharge explosives failed to give the notice, or the person did not employ hand-digging or failed to provide support, the person is deemed prima facie guilty of negligence.

Sec. 15. A person who damages the facilities of a public utility on more than 3 occasions on any 1 construction contract location because of his failure to comply with any of the provisions of this act may be enjoined from engaging in any further excavating, demolition, discharging of explosives, or tunneling work within the state, except under such terms and conditions as the court may prescribe to insure the safety of the public. A court may prescribe such penalties as it deems necessary or appropriate for violation of the injunctive order up to a maximum of \$1,000.00 per violation.

Sec. 16. A person who wilfully violates any provision of this act shall be fined not more than \$1,000.00 for each offense. An officer, agent, representative, servant, or employee of any person or public agency who wilfully causes, aids, or assists or participates in any wilful violation of this act is guilty of a misdemeanor, and shall be fined not more than \$1,000.00, for each offense or imprisoned for not more than 90 days, or both. These penalties are in addition to any civil liability. A person who wilfully removes or otherwise destroys the stakes or other physical markings used by a public utility to mark the approximate location of underground facilities is guilty of a misdemeanor.

Sec. 17. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 18. This act shall become effective August 1, 1974.


Clerk of the House of Representatives.


Secretary of the Senate.

Approved _____

Governor.

Act No. 204
Public Acts of 1975
Approved by Governor
August 20, 1975

STATE OF MICHIGAN
78TH LEGISLATURE
REGULAR SESSION OF 1975

Introduced by Reps. Strang, Conlin, Sietsema and McNeely

ENROLLED HOUSE BILL No. 5279

AN ACT to amend the title and sections **1, 8** and **17** of Act No. **53** of the Public Acts of **1974**, entitled "An act to protect the public safety by providing for notices to public utilities by persons excavating or discharging explosives near underground facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie presumption of negligence for failure to give the notices; and to prescribe penalties," being sections **460.701, 460.708** and **460.717** of the Compiled Laws of **1970**.

The People of the State of Michigan enact:

Section **1**. The title and sections **1, 8** and **17** of Act No. **53** of the Public Acts of **1974**, being sections **460.701, 460.708** and **460.717** of the Compiled Laws of **1970**, are amended to read as follows:

TITLE

An act to protect the public safety by providing for notices to public utilities by persons or public agencies excavating or discharging explosives near underground facilities or demolishing buildings containing utility facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for the establishment of prima facie presumption of negligence for failure to give the notices; and to prescribe penalties.

Sec. **1**. As used in this act:

(a) "Person" includes an individual, partnership, corporation, or association including a person engaged as a contractor by a public agency but "person" does not mean a public agency.

(b) "Public agency" means the state, a city, village, township, county, or **any** other governmental entity.

(c) "Public utility" means a natural gas company subject to the jurisdiction of the federal power commission or an electric, steam, gas, telephone, power, water, or pipeline company subject to the jurisdiction of the public service commission pursuant to Act No. **3** of the Public Acts of **1939**, as amended, being sections **460.1** to **460.8** of the Michigan Compiled Laws, Act No. **9** of the Public Acts of **1929**, being sections **483.101** to **483.120** of the Michigan Compiled Laws, Act No. **16** of the Public Acts of **1929**, being sections **483.1** to **483.11** of the Michigan Compiled Laws, Act No. **19** of the Public Acts of **1967**, as amended, being sections **486.551** to **486.571** of the Michigan Compiled Laws, or Act No. **165** of the Public Acts of **1969**, being sections **483.151** to **483.162** of the Michigan Compiled Laws, a person, city, village, county, the state, or other governmental entity owning or operating cable television facilities, and a city, village, county, the state, or other governmental entity owning public **service** facilities for supplying water, light, heat, gas, power, sewage disposal, storm drains, or **storm** water drainage facilities.

(147)

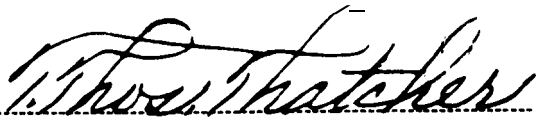
Sec. 8. A public utility served with the notice in accordance with sections 5 or 7 shall, not less than 1 working day in advance of proposed construction, unless otherwise agreed between the person or public agency performing the excavation, discharging of explosives, tunneling, or demolition and the public utility, inform the person or public agency of the approximate location of the underground facilities owned or operated by the public utility in the proposed area of excavation, discharging of explosives, tunneling, or demolition, in a manner as to enable the person or public agency to employ hand dug test holes or other similar means of establishing the precise location of the underground facilities using reasonable care to establish the precise location of the underground facilities in advance of construction. For the purposes of this act the approximate location of underground facilities is defined as a strip of land at least 3 feet wide but not wider than the width of the facility plus 1-1/2 feet on either side of the facility. If the approximate location of an underground facility is marked with stakes or other physical means the public utility shall follow the color coding prescribed herein.

Utility and Type of Product	Specific Group Identifying Color
Electric power distribution and transmission	Safety red
Municipal electric systems	Safety red
Gas distribution and transmission	High visibility safety yellow
Oil distribution and transmission	High visibility safety yellow
Dangerous materials, product lines	High visibility safety yellow
Telephone and telegraph systems	Safety alert orange
Cable television	Safety alert orange
Police and fire communications	Safety alert orange
Water systems	Safety precaution blue
Sewer systems	Safety brown
Storm drains	Safety green

If the precise location of the underground facilities cannot be established, the person or public agency shall then notify the public utility which shall provide such further assistance as may be needed to determine the precise location of the underground facilities in advance of the proposed excavating, tunneling, discharging of explosives, or demolition operations. Where demolition of a building is proposed and the public utility is notified, it shall be given reasonable time to remove or protect its facilities before demolition of the building.

Sec. 17. If any provision of this act or the application thereof to any person or public agency or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or public agencies or circumstances shall not be affected thereby.

This act is ordered to take immediate effect.


 Clerk of the House of Representatives.


 Secretary of the Senate.

Approved _____

 Governor.

CONSTRUCTION, EXCAVATION AND DEMOLITION OPERATIONS

AT OR NEAR UNDERGROUND FACILITIES

Part 53 of Title 12 of the Official Compilation of Codes,
Rules and Regulations of the State of New York
(Cited as 12 NYCRR 53)

Effective April 1, 1975



State of New York
Department of Labor
BOARD OF STANDARDS AND APPEALS

STATE OF NEW YORK

Hugh L. Carey
Governor

DEPARTMENT OF LABOR

Louis L. Levine
Industrial Commissioner

BOARD OF STANDARDS AND APPEALS

Harry R. Mason, Chairman
B. Franklin Spencer, Member
Richard H. Bolton, Member

Copies of this Part (rule) may be obtained, free of charge, by individuals and groups when, in the judgment of the Industrial Commissioner, such distribution will further safety education and compliance with the Industrial Code.

Requests for copies by mail should be directed to State of New York, Department of Labor, Office of Public Information, State Office Building Campus, Albany, New York 12201. However, single copies may be obtained by applying in person at the Department's office in Albany or in New York City at the Department of Labor, Two World Trade Center, New York, N.Y. 10047.

STATE OF NEW YORK
DEPARTMENT OF LABOR
BOARD OF STANDARDS AND APPEALS)

SS.:

In pursuance of the authority vested in me by subdivision 1 of section 102 of the Executive Law, I, HARRY R. MASON, Chairman of the New York State Board of Standards and Appeals, DO HEREBY CERTIFY that the copy of Industrial Code Part (Rule No.) 53 (12 NYCRR 53) relating to "Construction, Excavation and Demolition Operations at or near Underground Facilities", hereto attached, is a correct transcript of the original of said Part (rule) duly adopted by said Board on the 9th day of December, 1974, pursuant to the authority of sections 28-a and 28-b of the Labor Law, and prescribed to take effect on the 1st day of April, 1975 and has been duly filed in the office of the Secretary of State of the State of New York.



Given under my hand and the seal of office of the Department of Labor at the City of Albany, New York on the 30th day of December, 1974.

HARRY R. MASON
Chairman, New York State
Board of Standards and Appeals

EXTRACTS FROM CHAPTER 818 OF THE LAWS OF 1974

Section 1. The legislature hereby finds and declares that there is a need to protect underground facilities from destruction or damage, in order to prevent death or injury to workers and the public, damage to private and public property or loss of essential services to the general public, which need has not been met adequately by existing law. The legislature accordingly further finds it necessary to provide for appropriate notices to operators of underground facilities by persons proposing to excavate near such facilities or to demolish structures near to or containing such facilities; to provide for appropriate notices to operators when underground facilities are damaged; to provide for and encourage the establishment of "one-call" notification systems wherever feasible; to provide for certain other duties to safeguard life and property; and to prescribe penalties and remedies, including injunctive remedies, for violations of such duties.

* * * * *

Industrial Code Part (Rule No.) 53

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The Industrial Code of the State of New York

PART (RULE NO.) 53

relating to

CONSTRUCTION, EXCAVATION AND DEMOLITION OPERATIONS

AT OR NEAR UNDERGROUND FACILITIES

(Statutory Authority: Labor Law §§ 28-a and 28-b)

Title 12 of the New **York** State Official Compilation of Codes,
Rules and Regulations, Chapter I, Subchapter A, Part **53**

SUBPART 1 GENERAL REQUIREMENTS

Section 53-1.1 Foreword. Chapter 818 of the Laws of 1974 of the State of New York amended both the Labor Law and the General Business Law of the State of New **York** in relation to the regulation of construction, excavation and demolition sites located ~~at~~ or near underground facilities in order to assure **safety** and prevent **dam-** age to public or private property. It further provided for the promulgation of this Part (rule) and its enforcement.

53-1.2 Enforcement, penalties, fines and liabilities. (a) The enforcement of this Part (rule), **as** promulgated pursuant to section **28-a** of the Labor Law, is not by the Industrial Commissioner but is pursuant to the provisions of ~~section 28-b~~ of the Labor Law.

(b) It **is** not the intent of this Part (**rule**) to have the board serve as an arbiter. In fact, paragraph **5** of section **764** of the General Business Law states that nothing in that law "shall impair, limit or reduce the statutory, common law or contractual duties or liability **of** any excavator excavating or demolishing in the vicinity of underground facilities".

53-1.3 Title and citation. Herein and for the purposes of the New York State Labor Law and the New York State General Business Law, as amended by Chapter 818 of the Laws of 1974, this Part (rule) may be known as "Industrial Code Rule No. 53" relating to "Construction, Excavation and Demolition Operations at or Near Underground Facilities", and may be cited as "Rule 53" as an alternative and without prejudice to its designation and citation as established by the Secretary of State of the State of New York.

53-1.4 Application. (a) This Part (rule) applies to any person who performs or proposes to perform in the course of his trade or business any excavation or demolition operation at or near any underground facility. For the purposes of this Part (rule), such persons are designated as excavators.

EXCEPTIONS: (1) The movement of earth by tools which
are manipulated and powered only by
human or animal power.

(2) The tilling of soil for agricultural
purposes only.

(b) This Part (rule) applies to any public or private operator of one or more underground facilities which are covered by this Part (rule).

(c) This Part (rule) applies throughout the State of New York to the governing body of each town, each city outside the City of New York and each county within the City of New York with respect to the establishment of central registries of operators of underground facilities which are located within the geographical jurisdictions or boundaries of such towns, cities or counties.

(d) This Part (rule) shall apply in addition to any existing law, rule or regulation relating to underground facilities and nothing contained herein shall be construed to limit or abridge any much existing law, rule or regulation.

[53-1.4]

(e) This Part (rule) shall not apply to any individual employed by an excavator where such individual has no supervisory authority, other than the routine direction of employees. Such individual shall not, himself, be deemed an excavator for the purposes of this Part (rule).

53-1.5 Definitions. (a) Specific terms. As used herein or in connection with this Part (rule), the following terms mean:

(1) Board. The Board of Standards and Appeals of the State of New York,

(2) Central registry. The place where a written master list of the names, addresses and telephone numbers of operators of underground facilities is established and maintained by the governing body of each town, each city outside the City of New York and each county within the City of New York.

(3) Damage. Any defacing, scraping or displacement of, impact upon or removal of primary support from an underground facility which necessitates repair.

(4) Demolition, The total or partial wrecking, razing, rending, moving or removing of any building or other structure.

(5) Emergency. Any abnormal condition which endangers life or property including the discontinuance of a vital utility service necessary for the maintenance of public health, safety and welfare.

(6) Excavation. An operation for the purpose of movement or removal of earth, rock or other materials in or on the ground by the use of powered or mechanized equipment, including but not limited to digging, blasting, auguring, backfilling, drilling, grading, plowing-in, pulling-in, trenching and tunneling,

(7) Excavator. Any person who is engaged in a trade or business which includes as a normal part thereof, the carrying out of excavation or demolition operations;

[53-1.5(a)]

provided, however, that an individual employed by an excavator and having no supervisory authority other than the routine direction of employees shall not, himself, be deemed an excavator for the purposes of this Part (rule). Any person performing excavation or demolition work on property of which he is the record owner where there are no underground facilities not operated by him and where the excavation or demolition work is not within 15 feet of the perimeter or boundaries of such property shall not be deemed an excavator for the purposes of this Part (rule).

(8) Hand-dug test holes. Excavations performed for designating, testing or verification purposes which are dug by the use of hand-held tools utilizing only human power.

(9) Near. An area within 15 feet of the outside perimeter or diameter of an underground facility or its encasement.

(10) Notification system. Any system whereby operators of underground facilities are notified by excavators that construction, excavation or demolition operations are proposed to be performed within specified areas. Such systems may include but are not limited to direct notices from excavators to operators or one-call notice centers.

(11) One-call notice centers. A type of notification system wherein one telephone call or written notice by an excavator will serve to notify all operators who are members of such one-call notice center.

(12) Operator. Any person who operates a public or private underground facility which furnishes a service or materials, including but not limited to electric power, steam, gases, liquid petroleum products, water, sewage, telephone or telegraph communications, traffic control systems and cable television, Any person who is a record owner of real property wherein are located underground facilities for the purpose of furnishing services or materials only to himself or occupants of such property shall not be deemed an operator for the purposes of this Part (rule).

[53-1.5(a)]

(13) Person. Any individual, firm, corporation, association or partnership, cooperative association, joint venture, joint stock association, business trust, their lessees, trustees or receivers, municipality, governmental unit or public authority, whether or not incorporated.

(14) Shall. The word "shall" is always mandatory.

(15) Underground facilities. Facilities and their attachments Located underground which have been installed by operators to furnish their services or materials. Such facilities include but are not limited to pipelines, conduits, ducts, cables, wires, manholes, vaults, tanks, tunnels and any encasements containing such facilities.

(16) Work area. The area of the ground or equivalent surface which will be disturbed or removed by excavation work or affected by demolition work.

(17) Working days. Mondays through Fridays, exclusive of public holidays.

SUBPART 53-2 REQUIREMENTS FOR TOWNS, CITIES AND COUNTIES

53-2.1 Central registries required. (a) Required participation. On or before April 1, 1975, throughout the State of New York, each town, each city outside the City of New York and each county within the City of New York shall establish a central registry of operators of underground facilities located within their respective geographical jurisdiction or boundaries.

NOTE: In addition to the requirements of this subpart, such towns, cities and counties may also be subject to the requirements of subparts 53-3 and 53-4 of this Part (rule) when they perform as excavators or operators, respectively.

(b) Central registry location. Each such central registry shall be established, maintained and located at any office or agency as designated by the local governing body.

53-2.2 Advertising notices required. (a) Each town, city or county subject to the provisions of this Part (rule) shall publish in the official newspaper or newspapers as designated by the local governing body a notice to excavators of the establishment of a central registry of operators of underground facilities along with the address and telephone number of such registry. Such notice shall be published at least once each week for two successive weeks in the period between February 1, 1975 and March 15, 1975.

(b) Such notice shall state the purpose of the central registry and shall include notice to excavators and operators of their obligations to comply with Article 36 of the General Business Law and with the provisions of Industrial Code Part (Rule No.) 53 before any excavation or demolition operation is commenced. Such notice shall include the requirement that every excavator shall give advance notice to every operator listed on the central registry of his intent to perform excavation or demolition work in a

[53-2.2(b)]

specified area.

(c) Such notice or a copy thereof shall be continuously displayed in the office of every such town, city, county or agency thereof where permits for excavation or demolition work are issued.

(d) Where permits for excavation or demolition work are issued by any such town, city, county or agency thereof, a copy of such notice shall be furnished each person obtaining such a permit.

53-2.3 Master list of operators. (a) **On** or before April 1, 1975 each town, city or county subject to the provisions of this Part (rule) shall compile a master list of operators of existing underground facilities which are located within its geographical jurisdiction or boundaries and who have registered with the central registry pursuant to the requirements of this Part (rule).

(b) **Each** such master list shall contain at least the following information:

(1) The corporate or other name and address of each operator.

(2) The department, agency, office or individual designated by each such operator to be notified by excavators along with the local address and telephone number of such department, agency, office or individual.

NOTE: Where a notification system, such as a one-call notice center, has been established the telephone number of such notification system may be listed in lieu of the data in paragraph (2) above. (See Subpart 53-5 of this Part (rule)).

(3) Issue number and date of issuance.

(c) Each such master list of operators may contain a list of emergency or public safety facilities along with appropriate telephone number8 as deemed necessary.

(d) (1) Each such master list shall be revised promptly whenever:

(i) A new operator who has installed underground facilities is listed on the central registry;

(ii) An operator of existing underground facilities removes all his underground facilities within the jurisdiction of the central registry; or

(iii) An operator revises the information listed on the central registry.

(2) Each such revised master list shall have a new sequential number and a new date of issuance.

(e) A copy of the current master list shall be provided to any excavator immediately upon request during regular business hours. The local governing body may charge a fee not to exceed five dollars for each copy of the master list so provided.

SUBPART 53-3 REQUIREMENTS FOR EXCAVATORS

53-3.1 Excavator compliance. On and after April 1, 1975 every excavator subject to the provisions of this Part (rule) shall be in compliance with the provisions of this subpart,

53-3.2 Copy of master list of operators required. Before commencing any excavation or demolition work, such excavator shall:

(a) Contact the central registry of the town, city or county within the City of New York which serves the area wherein the proposed excavation or demolition work is to be performed and shall obtain from such central registry a copy of the current master list of operators of underground facilities; or

(b) If such excavator is in possession of a copy of such master list of operators, contact the central registry to ascertain whether or not his copy is current.

53-3.3 Notices to operators required. (a) After receipt of a copy of the current master list from the central registry or after determination that the copy of the master list in his possession is current, the excavator shall serve either verbal or written notice to each operator on the master list of the excavator's proposed excavation or demolition work.

(b) Such notice shall be served at least two but not more than ten working days prior to the commencement date of the proposed excavation or demolition work.

NOTE: Nothing in this Part (rule) shall be construed as prohibiting the serving of such notice more than ten working days prior to the commencement of the excavation or demolition work; provided, however, that the two-to-ten working days notice prior to the commencement date is also served.

[53-3.3]

(c) Whenever an excavator postpones or cancels the commencement date of his excavation or demolition work after serving notice to the operators, he shall promptly inform each operator of such postponement or cancellation.

(d) Upon the excavator's request, an operator shall provide him with a written admission of the service of such notice.

NOTE: Where a notification system has been established in accordance with the provisions of subpart 53-5 of this Part (rule), the written admission of service of such notice may be furnished the excavator by the notification system.

53-3.4 Notice requirements. Every notice served by an excavator to an operator of an underground facility concerning proposed excavation or demolition work shall contain at least the following information:

- (a) The name of the person serving such notice.
- (b) The name, address and telephone number of the excavator or excavator's company.
- (c) The excavator's field telephone number, if one is available.
- (d) The name of the field contact person, if any.
- (e) The address and exact location as well as the approximate extent and dimensions of the proposed excavation or demolition work area.
- (f) The means of excavation or demolition and whether or not explosives are to be used.
- (g) A brief description of the proposed excavation or demolition work.
- (h) The date and time the proposed excavation or demolition work is to commence.

53-3.5 Commencement of excavation or demolition work. (a) The excavator may proceed with his excavation or demolition work on the stated date of commencement if, prior thereto, he has received notification from each operator on the master list that:

[53-3.5(a)]

(1) Such operator has no underground facility in or within 15 feet of the proposed work area; or

(2) That any underground facility located in or within **15** feet of the proposed work area has been staked, marked or otherwise designated in accordance with the provisions of subpart **53-4** of this Part (rule).

(b) The excavator shall not commence the proposed excavation or demolition work on the stated commencement date if he has been notified by an operator ~~that~~ the staking, marking or other designation of an underground facility located in or within 15 feet of the proposed work area ~~will~~ not be completed on the stated commencement date. In every such case, the operator shall notify the excavator ~~of~~ a prompt and practicable date for the completion of the staking, marking or other designation, which ~~shall~~ be within ~~two~~ working days after the stated commencement date.

53-3.6 Staking, marking or other designation. (a) Every underground facility ~~in or within 15 feet of a proposed excavation or demolition work~~ area shall be staked, marked or otherwise designated by the operator in accordance with the provisions of subpart **53-4** of this Part (rule). Every excavator shall be familiar with such provisions, especially those relating to size and depth indications, color coding, center line or offset staking or marking and the location of underground facilities by designations other than staking or marking.

EXCEPTION: An operator performing excavation or demolition work at or near his own underground facility shall not be required to stake, ~~mark~~ or otherwise designate such underground facility.

(b) Whenever the excavator determines that a review of the staking, marking or other designation ~~is~~ necessary or that additional information ~~is~~ required before he commences the excavation or demolition work, he shall ~~so~~ notify the operator or operators.

[53-3.7]

53-3.7 Preservation of stakes, markings or other designations. After commencement of excavation or demolition work, the excavator shall be responsible for protecting and preserving the staking, marking or other designation until no longer required for proper and safe excavation or demolition work at or near the underground facility.

53-3.8 Verification of underground facilities. (a) Verification required. Where any underground facility has been staked, marked or otherwise designated by the operator within a proposed work area, the excavator shall verify the exact type, size, direction of run and depth of such underground facility or its encasement before he commences the proposed excavation work.

(b) Facilities furnishing gas or liquid petroleum products. The verification of underground facilities furnishing gas or liquid petroleum products within a proposed work area shall be by means of test holes which are hand dug by the excavator as deemed necessary by the operator or operators of such facilities. Such **hand-dug** test holes may be completed before the excavation work is commenced or may be dug as the work progresses.

EXCEPTION: Powered or mechanized equipment may be used
for the removal of pavement or masonry but
only to the depth of such pavement or masonry.

(c) Other underground facilities. The verification of underground facilities other than those furnishing gas or liquid petroleum products shall be performed at least at one point in the work area for each such underground facility and at other intervals or locations within the work area as may be required by the operator. Verification shall be accomplished by exposing the underground facility or its encasement to view or by other means mutually agreed to by the excavator and operator.

53-3.9 Unverifiable underground facilities. If the precise location of an underground facility cannot be verified by the excavator after diligent search at a reasonable depth within the strip of land as staked, marked or otherwise designated by the operator, the excavator shall so notify such operator whereupon the operator shall locate the underground facility with his own personnel as soon as possible or shall provide prompt field assistance to the excavator.

53-3.10 Powered excavating equipment limitations. After verifying the location of an underground facility, the excavator shall not employ powered or mechanical excavating equipment closer than four inches in any direction from the staked, marked or otherwise designated or known outside diameter or perimeter of such facility unless agreed to in writing by the operator of the affected underground facility. Such written agreement shall be furnished to the excavator by the operator, upon request,

EXCEPTION: Where an underground facility is encased in masonry or concrete, hand-held power tools, such as small chipping guns having a maximum piston diameter of one and one-eighth inches and with a maximum stroke of two inches, may be used to remove such masonry or concrete in order to expose the underground facility.

53-3.11 Discovery of unknown underground facilities. (8) Where an undesignated or otherwise unknown underground facility is discovered within an excavation or demolition work area, the excavator shall report such discovery as follows:

(1) If the identity of the operator of the discovered underground facility is known or is obvious, the excavator shall report the discovery to such Operator who shall respond as soon as possible with an on-site inspection or with instructions

f 53-3,11(a))

to the excavator,

(2) (i) If the identity of the operator of the discovered underground facility ~~is~~ not known or obvious, the excavator shall report the discovery to **each** of the operators **on** the master list and each such operator shall determine whether or not he is the owner of ~~the discovered~~ underground facility within two working days **after** receiving such report.

(11) While awaiting a determination of ownership, the excavator may proceed with **his** excavation work **taking** reasonable care to protect and prevent damage to such underground facility.

(b) ~~When~~ the operator of the unknown underground facility **is** determined, such operator **shall** as ~~soon as~~ possible instruct ~~the~~ excavator on how to proceed.

53-3.12 Reporting of damage to underground facilities. (a) Excavators **shall** take ~~all~~ reasonable precautions to prevent damage to underground facilities,

(b) Any accidental damage to an underground facility which **is** knowingly caused by any excavator shall be immediately reported by such excavator to the operator **of** the damaged underground facility.

(c) All excavation work in the immediate area **of** the damaged portion **of** the underground facility shall be suspended until such damaged portion **is** repaired ~~and~~ the operator ~~advises the~~ excavator that excavation work may proceed.

(d) **The** excavator shall delay **any** backfilling in the immediate area **of** the **damaged** portion **of** the underground facility until such damage has been repaired and until the operator advises the excavator that backfilling may proceed **in such area.**

53-3.13 Repair of damaged underground facilities. The repair of a damaged underground facility shall be performed by the operator or others authorized by him, including the excavator. Such repair shall be performed as soon as possible after the operator receives the report of damage.

53-3.14 Discovery of underground facilities in danger of failing. (a) An excavator who by removing the surrounding materials exposes an underground facility which in his judgment appears to have failed or to be in potential danger of failing from corrosion or other causes shall immediately report such condition to the operator of such underground facility.

(b) The excavator shall delay any further work in the immediate area of such underground facility which could jeopardize it but may proceed in areas not affecting the questionable facility.

(c) The excavator may proceed in such immediate area after the operator, who shall respond immediately to the excavator's report of failure and shall take any necessary action in regard thereto, has advised him that he may do so.

53-3.15 Required support for excavated underground facilities. (a) Pursuant to section 763 of the General Business Law, an excavator shall provide prompt and adequate support for every underground facility located in his work area as he deems necessary due to his excavation work or as specified by the operator of any such facility in accordance with the provisions of subpart 53-4 of this Part (rule).

(b) In the absence of any specifications by the operator, the excavator shall provide such support in accordance with generally accepted engineering practice, including but not limited to shoring and bracing.

(c) Such support shall be at least equivalent to the previously existing support and shall protect the underground facility against freezing and against traffic and other loads.

[53-3.15]

(d) Such support shall be maintained during excavation, during backfilling and after backfilling is completed, if necessary.

(e) The operator may, in agreement with the excavator, provide such support.

NOTE: This section does not affect the right of any governmental unit or agency to require the operator of a private underground facility to move or relocate such facility when it interferes with the construction or installation of a public facility.

53-3.16 Backfilling requirements. (a) An excavator performing excavation work at an underground facility shall backfill such excavation with materials and in such manner as specified by the operator or, in the absence of such specifications, with suitable materials and in such manner as will avoid damage to, and provide proper support for, such underground facility and its protective coating both during and after backfilling operations.

(b) The excavator shall avoid placing large rock, frozen earth, rubble, debris and other heavy or sharp materials or objects against any underground facility which could cause damage or scraping.

(c) The backfill beneath and around any underground facility shall be properly compacted in accordance with generally accepted engineering practice.

(d) Heavy loads and excessive forces shall not be imposed on any exposed underground facility at any time during backfilling operations.

53-3.1.7 Emergency requirements. In the event of an emergency involving danger to life, health or property as a result of damage to an underground facility containing gas or liquid petroleum products, the excavator shall:

- (a) Proceed to evacuate his employees and all other endangered persons from the immediate area to the best of his ability;
- (b) Immediately notify the local police and fire department; and
- (c) As soon as possible notify the operator of the affected facility of the exact location, nature of the emergency and of the underground facility which is affected.

53-3.18 Emergency excavation or demolition. Excavation or demolition work which is required to be performed promptly as a result of an emergency, disaster or to correct an immediate hazard may proceed immediately without prior notification to operators provided, however, that if such excavation or demolition work involves an underground facility the operator thereof shall be notified as soon as possible that such work is commencing or is underway. Extreme caution shall be employed by the excavator to prevent damage to existing underground facilities and to avoid endangerment of persons and property.

53-3.19 Use of explosives. The use of explosives in any construction, excavation or demolition work at or near any underground facility shall be in compliance with the applicable requirements of Industrial Code Part (Rule No.) 23, Industrial Code Part (Rule No.) 39 and the laws, rules and regulations of any other governmental unit or agency thereof having jurisdiction in addition to the requirements of this Part (rule).

53-3.20 Demolition work. (a) Any excavator subject to the provisions of this Part (rule) who is demolishing a building or other structure shall obtain all necessary permits or approvals from the authorities having jurisdiction over the work area. Such permits and approvals shall be obtained before the excavator serves notice to the operators on the master list of his proposed demolition work as required by section 53-3.1

[53-3.20(a)]

of this subpart.

(b) Pre-demolition conferences with all operators who have underground facilities in the work area shall be requested by the excavator at least seven working days in advance of the stated commencement date of the demolition work.

NOTE: The use of explosives in any demolition work requires a special approval of the board in accordance with the provisions of Industrial Code Part (Rule No.) 23.

53-3.21 Compliance with other applicable rules and regulations. In addition to the provisions of this Part (rule), excavators performing excavation or demolition work at or near underground facilities are also subject to the applicable requirements of:

(a) Industrial Code Part (Rule No.) 23 relating to "Protection in Construction, Demolition and Excavation Operations" (12 NYCRR 23);

(b) Industrial Code Part (Rule No.) 39 relating to "Possession, Handling, Storage and Transportation of Explosives" (12 NYCRR 39); and

(c) Other laws, rules and regulations of the State of New York or of a local governmental unit or agency thereof having jurisdiction.

~~53-3.22~~ Employee instruction. Every excavator subject to the provisions of this Part (rule) shall make certain that all of his employees directly concerned with excavation or demolition work are thoroughly familiar with the applicable provisions of this Part (rule) and especially those of this subpart which affect their safety.

SUBPART 53-4 REQUIREMENTS FOR OPERATORS

53-4.1 Registration of operators required. (a) Operators of existing underground facilities. **On** or before April 1, 1975, every operator who **has** an underground facility in the State of New York shall register with the central registry of each town, each city outside the City of New York and with each county within the City of New York within whose geographical jurisdiction or boundaries such underground facility **is** located.

(b) Operators of new underground facilities. After April 1, 1975, every operator who installs a new underground facility in the State of New York shall register with the central registry of each town, each city outside the City of New York and each county within the City of New York within whose geographical jurisdiction or boundaries such new facility is located if he has not previously registered with such central registry. Such new operator shall **so** register within 10 days of the commencement of the installation.

53-4.2 Removal of underground facilities. After April 1, 1975, any operator who removes all of his underground facilities from the geographical jurisdiction or from within the boundaries of any town, city outside the City of New York or county within the City of New York shall promptly notify the central registry of such town, city or county to **remove** his name from the master **list** of operators.

53-4.3 Central registry information. (a) Every operator who registers with a central registry shall furnish such registry at least the following information:

- (1) The corporate or other name and address of such operator.
- (2) The department, agency, office or individual designated by the operator to be notified by excavators along with the local address and telephone number of such department, agency, office or individual.

NOTE: Where a notification system, such as a one-call notice center, has been established in accordance with the provisions of subpart 53-5 of this Part (rule) the telephone number of such notification system may be listed in lieu of the data required in paragraph (2) above,

(b) Whenever such information is revised or otherwise changed, the operator shall notify each central registry with which he has registered of such revision or other change,

53-4.4 Recording of notices required. (a) Whenever an operator has been served with a verbal or written notice by an excavator who is proposing to perform excavation or demolition work, such operator shall make a written record of such notice.

(b) Such written record shall include at least the following information:

(1) The name of the person serving such notice.

(2) The name, address and telephone number of the excavator or excavator's company.

(3) The excavator's field telephone number, if one is available.

(4) The name of the excavator's field contact person, if any.

(5) The address and the exact location as well as the approximate extent and dimensions of the proposed excavation or demolition work.

(6) The means of excavation or demolition and whether or not explosives are to be used.

(7) A brief description of the proposed excavation or demolition work.

(8) The date and time the proposed excavation or demolition work is to commence.

(c) The operator shall furnish the excavator with a written admission of service of such notice, upon the excavator's request.

NOTE: Where a notification system has been established in accordance with the provisions of subpart 53-5 of this Part (rule), such written admission of service of such notice may be furnished the excavator by the notification system.

53-4.5 Operator's response to notice. (a) Prior to the date and time of the commencement of the proposed excavation or demolition work as stated in the recorded notice, the operator shall notify the excavator that either:

(1) The operator has no underground facility in or within 15 feet of the proposed work area; or

(2) Every underground facility belonging to him which is located in or within 15 feet of the proposed work area has been staked, marked or otherwise designated in accordance with the provisions of this subpart.

(b) Where an operator cannot complete the staking, marking or other designation of an underground facility prior to the stated commencement date and time of the proposed excavation or demolition work, the operator shall promptly report such fact to the excavator and shall inform the excavator of a prompt and practicable completion date which in no case shall be more than two working days after the excavator's stated commencement date,

(c) Whenever an excavator requests a review of any staking, marking or other designation, the operator shall comply with such request as soon as possible.

53-4.6 Locating underground facilities. Whenever an operator is required to locate one of his underground facilities which is in or within 15 feet of a proposed excavation or demolition work area, such facility shall be located by means of staking, marking or other designation in accordance with the provisions of this subpart.

(a) Staking and marking requirements. (1) Stakes or surface markings shall be provided preferably at the center line of the underground facility and at such appropriate

[53-4.6(a)]

intervals as **is** necessary to clearly indicate the **location** and course of such underground facility.

(2) All stakes and surface markings **shall be** color coded in accordance with the provisions **of** this subpart in order to identify the type of underground facility **so** staked or marked.

(3) Stakes and surface markings shall indicate **in inches** the **size** or **diameter** of the underground facility or its encasement, if **known**.

(4) Each stake and surface **marking** shall indicate in Inches the depth of the underground facility at that point, if **known**.

(5) Surface markings shall **consist of** paint, dye or equivalent material **in** a color contrasting with the ground or equivalent surface.

(6) Where conditions exist **so as to** render center line staking or marking **impractical** or confusing, the operator may indicate the location of **an** underground facility **by** means of offset staking or **remote tie-in markings** which will clearly indicate the location and course of the facility.

(7) Where center line stakes **or** marks indicate the size of the underground facility, such facility shall be assumed to lie within **a** strip of land equal **to** the **width** of the facility plus four feet with the center line of such strip of land at the **stakes** or marks ■

(8) Where center line stakes **or** marks do not indicate the **size** of the underground facility, such facility shall be **assumed** to lie within **a** strip **of** land four feet in width with the center line of such strip of land **at** the stake **or** marks.

(9) Where **offset** stakes or remote tie-in **markings** indicate the **size of the facility**, the underground facility shall be **assumed to** lie in a strip of land equal to the width of the facility plus four feet with the center line of such strip of land at the center line of the facility **as** indicated **by** the stakes or markings.

(10) Where offset stakes or **remote tie-in markings** **do** not indicate the **size** of the underground facility, the facility shall **be** assumed to lie in **a** strip **of** land

【53-4.6 (a)】

four feet in width with the center line of such strip of land at the center line of the underground facility as indicated by the stakes or markings.

(b) Other designations. If staking and marking are not used to indicate the location of an underground facility, the operator shall designate such location in accordance with the following:

(1) By exposing the underground facility or its encasement to view within the proposed work area in a manner sufficient to allow the excavator to verify the type, size, direction of run and depth of the facility;

(2) By providing field representation and instruction to the excavator in the proposed work area; or

(3) By any other means as mutually agreed to by the excavator, including but not limited to written descriptions, photographs and verbal instructions, Such agreement shall be provided in writing to the excavator upon his request.

53-4.7 Uniform color code required. The following uniform color code shall be utilized on staking and marking used to designate the location of underground facilities:

(a) Yellow - Gas, oil, petroleum products, steam, compressed air, compressed gases and all other hazardous liquid or gaseous materials except water.

(b) Red - Electric power lines or conduits.

(c) Orange - Communication lines or cables, including but not limited to telephone, telegraph, fire signals, cable television, civil defense, data systems, electronic controls and other instrumentation.

(d) Blue - Water.

(e) Green - Storm and sanitary sewers including force mains and other non-hazardous materials.

(f) Purple - Radioactive materials.

[53-4.8]

53-4.8 Uniform identificatcsn letters required. All ~~staking~~ and marking utilized for ths location of underground facilities shall contain letter ~~designations~~ which will clerrly identify the type of underground facility ~~so~~ staked or marked. Such letters shall be legible and shall be ~~used~~ in accordance with the following:

- (a) **C** - Communication facilities (other than telephone service).
- (b) **CH** - ~~Chemicals~~,
- (c) **CTV** - Cable television.
- (d) **E** - Electrical power.
- (e) **FS** - Fire signals.
- (f) **G** - Gas.
- (g) **HPW** - High-pressure water (100 ~~psig~~ or more).
- (h) **P** - Petroleum.
- (i) **PP** - Petroleum products (naphtha, gasoline, kerosine and ~~similar~~ products).
- (j) **S** - Sewer.
- (k) **ST** - Steam.
- (l) **T** - Telephone company services.
- (m) **TC** - Traffic control signals.
- (n) **W** - Water.
- (o) **O** - All other facilities.

53-4.9 Damage and repair of underground facilities. (a) Upon receipt of a notice from ~~an~~ excavator reporting ~~damage~~ to an underground facility ~~the~~ operator shall ~~immed-~~ ~~iately~~ inspect such damage and make the necessary repairs or shall advise the excavator that the excavation work may proceed.

(b) Such repairs ~~shall be~~ performed by the operator ~~or by~~ others authorized by him, including the excavator.

53-4.10 Unverifiable underground facilities. If an operator has been notified by an excavator that after diligent search at a reasonable depth within the strip of land as staked, marked or otherwise designated by the operator such excavator cannot verify the location of an underground facility, the operator shall verify such location with his own personnel as soon as possible or shall provide the excavator with prompt field assistance.

53-4.11 Discovery of unknown underground facilities. When an operator has been notified by an excavator that an unknown underground facility has been discovered in the course of the excavator's work, such operator shall:

(a) mediate determine whether or not such discovered facility is his by means of records, on-site inspection or otherwise.

(b) Within two working days from the receipt of such notice, advise the excavator that the unknown facility is not his or, if such facility belongs to him, advise the excavator on how to proceed and of any special requirements the operator deems necessary.

53-4.12 Emergency service requirements. (a) Each operator of an underground facility containing gas or liquid petroleum products shall provide means for accepting emergency calls and prompt field assistance to such calls on a **24** hour-per-day basis.

NOTE: Emergency service centers which are in compliance with New York State Public Service Commission regulations shall be considered to be in compliance with this section.

53-4.13 Demolition work - operator requirements. (a) When an operator ~~is~~ notified by an excavator of proposed demolition work, such operator shall stake, mark or otherwise designate any of his underground facilities located in the proposed work area in accordance with the provisions of this subpart.

(b) In addition, every such underground facility shall be provided with protection sufficient to prevent damage thereto from the proposed demolition work.

(c) Such operator shall attend a pre-demolition conference with the excavator upon the excavator's request. Such conference shall be held at least seven working days prior to the stated commencement date of the proposed demolition work.

(d) Such operator shall also comply with any other applicable law, rule or regulation of the State of New York or of any local governmental unit or agency thereof.

53-4.14 Support and backfill requirements. (a) Where an underground facility will be disturbed or uncovered in a proposed excavation or demolition work area, the operator of such facility shall indicate to the excavator any preferred means of support required for such facility and any special backfilling requirements. Such information shall be furnished the excavator prior to the stated date of commencement of the proposed work.

(b) In the absence of such information the excavator shall provide such support and backfill in accordance with the provisions of subpart 53-3 of this Part (rule).

SUBPART 53-5 NOTIFICATION SYSTEMS

53-5.1 Voluntary systems. It is the intent of this Part (rule) to encourage, but not mandate, the establishment of notification systems, such as one-call notice centers, to facilitate the notification from excavators to operators of underground facilities of proposed excavation or demolition work. Such systems shall be in addition to the central registry requirements of this Part (rule).

~~NOTES:~~ (1) Where such a notification system is established the telephone number of such system may be listed on the central registry master list for any operator who is a member of such system in lieu of his own telephone number.

(2) ~~The~~ establishment of a notification system, such as a one-call notice center, is not intended to preclude the use of an emergency service center as mandated by the New York State Public Service Commission.

53-5.2 Uniform minimum requirements. The board finds that it is desirable to have minimum standards for all such notification systems within the State of New York. Therefore, all such systems established on or after April 1, 1975 shall be in accordance with the provisions of this subpart.

53-5.3 Participation. A notification system, such as a one-call notice center, may be established by mutual agreement of any number of interested persons, including but not limited to operators, excavators, governmental units or their agencies, having a common interest in the protection of underground facilities and in the improvement of communication between such persons. Such systems may include and serve

[53-5.3]

one or more central registries or governmental units within the State of New York or any part thereof.

53-5.4 One-call notice center requirements. Every one-call notice center which is established as a notification system shall be in accordance with the following minimum requirements:

(a) Such one-call notice center shall provide service on each working day wherein one telephone call or written notice by an excavator will provide a recorded notice to every operator who is a member of such notice center relating to:

- (1) Proposed excavation or demolition work;
- (2) Requests for pre-costruction or pre-demolition conferences relating to excavation or demolition work at or near underground facilities;
- (3) The discovery of unknown underground facilities; and
- (4) Other inquiries relating to underground facilities.

(t) Every such one-call notice center shall provide a *direct* means of communication between the center and each operator who is a member of the center. Such means of communication shall be established in a manner as agreed to by each such operator.

(c) Every such one-call notice center shall use notice record forms to record all incoming notices or requests from excavators. Such forms shall record at least the following information:

- (1) The date and time of receipt of a notice or request.
- (2) The name of the person serving such notice or making such request.
- (3) The name, address and telephone number of the excavator or excavator's company.
- (4) The excavator's field telephone number, if one is available.
- (5) The name of the excavator's field contact person, if any.
- (6) The address and exact location as well as the approximate extent and dimensions of the proposed excavation or demolition work area.

[53-5.4(c)]

(7) The means of excavation or demolition and whether or not explosives are to be used.

(8) A brief description of the proposed excavation or demolition work.

(9) The date and time the proposed work *is* to commence.

(10) The **name** of the person receiving such notice.

(11) The name and address of the notice center.

(d) A copy of such notice record **shall** be furnished to the excavator, upon his request, and to each operator who **is** a member of the notice center promptly after the receipt of the notice or request. The mailing of such copies of the notice record **shall be** construed to be in compliance with this **Part** (rule).

(e) A copy of each such notice record shall **be** kept **on** file in the notice center for a period of **at** least four years **from** the date of such notice.

A.5 Guidelines for Preparing Damage Prevention Laws, 1977

American Public Works Association
UTILITY LOCATION AND COORDINATION COUNCIL
1313 East 60th Street
Chicago, Illinois 60637

The People of _____, represented in
_____, do enact as follows:

An Act to protect the public safety by providing for notices to utility owners or operators by persons excavating or discharging explosives near underground facilities; to provide for notices to affected parties when underground facilities are damaged; to provide for prima facies presumption of negligence for failure to give the notice, and to prescribe penalties, The People of _____, enact,

SECTION 1

As used in this Act:

(a) "Person" includes any individual, partnership, corporation, or association including a person engaged as a contractor by a public agency but "person" does not mean a public agency.

(b) "Public Agency" means the state, a city, village, township, county or other government entity.

(c) "Utility" shall mean and include all privately, publicly, and cooperately owned companies or agencies owning or operating lines, facilities and systems for producing, storing, conveying, transmitting, or distributing communication, electricity, power, light, heat, gas, oil, petroleum products, water, steam, sewerage, and other similar commodities.

(d) "Excavation" means an operation for the purpose of the movement or removal of earth, rock, or other materials in or on the ground by use of mechanized equipment or by blasting, and including augering, backfilling, drilling, grading, plowing in, pulling in, trenching, tunneling, and plowing for agricultural purposes in excess of 18 inches in depth. The movement of earth

by tools manipulated only by a human or animal power shall not be deemed an excavation; nor shall plowing for agricultural purposes less than 18 inches in depth be considered an excavation.

(e) "Demolition" means an operation by which a structure of mass of material is wrecked, razed, rendered, moved or removed by means of any tools, equipment or explosives.

(f) "Underground Facility" shall mean any underground line, facility, or system and appurtenances thereto, as further described under subsection 1(c).

(g) "Operator" shall mean any person who operates an underground utility facility or facilities as further described under subsections 1(c) and 1(f).

(h) "Damage" shall mean any impact upon or removal of support from an underground facility consequent to excavation or demolition which according to the operating practices of the operator, would necessitate the repair of such facility as described in subsections 1(c), 1(d), and 1(f).

(j) "Notification Center" means any organization among whose purposes is the dissemination to one or more operators the notification of planned construction activities in a specified area.

SECTION 2

A person or public agency shall not discharge explosives, excavate, or tunnel in a street, highway, public space, a private easement, or near the location of the facilities of a utility, or demolish a building containing a utility facility without first ascertaining in the manner described in section 6 the location of all underground facilities within the proposed area of excavation or demolition.

SECTION 3

A utility having underground facilities shall file with the notification center, or public agency having jurisdiction, a description, map or record of the areas in which it has underground facilities, the name of the utility, the title, address,

and the telephone number of its representatives designated to receive notice as required by section 6.

SECTION 4

A public agency that pursuant to law requires a person to obtain a permit, shall require as a condition of the permit that the person shall comply with the requirements of this Act.

SECTION 5

The project originator who defines the need to excavate or demolish shall provide the names of all of the operators of underground facilities and the means through which each can be communicated with as a part of the project details and made available to the excavator prior to the start of any excavation or demolition.

SECTION 6

(a) A person or public agency shall not begin any operation for the purpose of the movement or removal of earth, rock or other materials in or on the ground by the use of powered or mechanized equipment, included but not limited to digging, blasting, augering, backfilling, drilling, grading, plowing-in, plowing, in excess of 18 inches in depth for agricultural purposes, trenching or tunneling in a street, highway, public space, a private easement of a utility, or near the location of a utility facility owned, maintained or installed on a customer's premise, or demolish a building containing a utility facility without first notifying each operator to determine whether or not utilities exist in the area of activity; this shall be done not more than ten days and not less than forty-eight hours, excluding Saturdays, Sundays and legal holidays, prior to commencement of work.

(b) Each operator served with notice in accordance with section 6(a) shall within forty-eight hours, excluding Saturdays, Sundays and legal holidays, unless otherwise agreed between the person, operator and/or public agency, locate and mark or otherwise provide the approximate location of the operator's

underground facilities in a manner as to enable the excavator to employ hand-dug test holes to determine the precise location of the underground facilities in advance of excavating. For the purpose of this Act, the approximate location of the underground facilities shall be defined as a strip of land at least three feet wide but not wider than one and one-half feet (18 inches) on either side of the utility. When served with notice that work has been scheduled, the operator determines that his underground facilities do or do not exist within the area of excavation, the operator shall communicate this information to the person or public agency originating the notice prior to the commencement of the work.

(c) EMERGENCIES: The only exception to section 6(a) shall be when an emergency exists that endangers life, health or property. Under these conditions, work operations may begin immediately providing reasonable precautions are taken to protect the underground facilities. All operators of underground facilities within the area of the emergency must be notified promptly when it is known that the emergency requires excavation prior to the location of the underground facilities being marked.

(d) Every notice served by any person or public agency to an operator of an underground facility shall contain at least the following information:

- (1) The name of the individual serving such notice
- (2) The location of the proposed work
- (3) The name, address and telephone number of the excavator or excavator's company
- (4) The excavator's field telephone number, if one is available
- (5) The type and the extent of the proposed work
- (6) Whether or not the discharging of explosives is anticipated
- (7) The date and time when work is to begin

(e) In marking the approximate location of underground facilities, the operator shall follow the color coding described herein:

<u>Utility and type of product</u>	<u>Specific group identifying color</u>
Electric power distribution and transmission	Safety red
Municipal electric systems	Safety red
Gas distribution and transmission	High visibility safety yellow
Oil distribution and transmission	High visibility safety yellow
Dangerous materials, product lines, steam lines	High visibility safety yellow
Telephone and telegraph systems	Safety alert orange
Police and fire communications	Safety alert orange
Cable television	Safety alert orange
Water systems	Safety precaution blue
Slurry systems	Safety precaution blue
Sewer systems	Safety green

(f) Pipelines that are to be abandoned in place by an operator after the effective date of this Act shall become a permanent part of the operator's records until such time as the abandoned pipelines have been physically removed. When a notification request is made for the location of underground facilities the operator shall make the person or public agency originating the request aware of the location of the abandoned pipelines as a part of the locating procedures.

SECTION 7

Powered or mechanized equipment shall not be used directly over marked routes of utility locations until the precise location of the utility has been determined by the excavator, and then only after the utilities have been manually exposed and properly protected to avoid damage to them. If the precise location of the operator's facilities cannot be determined by the excavator,

the operator shall be notified by the excavator so that further assistance may be provided by the operator prior to continuing excavating or demolition.

(a) Exception: The only exception to the use of powered or mechanized equipment directly over marked routes of utility locations shall be for the removal of pavement or masonry, but only to the depth of such pavement or masonry.

SECTION 8

Where the demolition of a building is proposed, the operator shall be given reasonable time, not to exceed thirty calendar days, unless otherwise agreed to between the operator and the person proposing the work, to abandon, remove, or to protect its facilities before demolition begins.

SECTION 9

(a) When any contact with or damage occurs to any utility or its protective covering, the operator shall be notified immediately by the person or public agency who is responsible for the operation that caused the damage.

(b) Upon receiving notice of contact with or damage to a utility, the operator shall dispatch personnel to the location promptly to effect temporary or permanent repairs.

(c) Should a damage occur that endangers life, health or property, the person responsible for the work shall keep all sources of ignition away from the damaged area and take immediate action to protect the public and property to minimize the hazards while awaiting arrival of the operator's personnel. The excavator shall delay any backfilling in the immediate area of the damaged utility until the damage has been repaired unless the operator authorizes him otherwise. The repair of a damaged utility must be performed by the operator or by qualified personnel authorized by the operator.

SECTION 10

This Act recognizes the value of, and encourages the establishment of local utility coordinating committees and one-call notification centers.

(a) Two or more operators may form and operate a notification center

(b) In areas where a notification center is operational, notification to the center shall be effected by telephone or other acceptable means of communication. Details of the notification of planned work shall conform to section 6(d) of this Act.

(c) All utility operators who have underground facilities within the defined geographical boundary of a notification center shall either become a member of the notification center or shall participate in and receive the services furnished by the center within six months after the notification center has become operational. All participating non-members shall share in cost of the operation of the center for services received.

(d) The management of the notification center, whose members or participants have underground facilities, shall file with the public agency having jurisdiction and shall provide the geographical area served by the center and list the name and address of every member and participating utility.

(e) An adequate record shall be maintained by the notification center to document compliance with the requirements of this Act.

SECTION 11

An operator, whose underground facilities are damaged may file a complaint against the person responsible thereof with the prosecuting attorney of the county wherein the damage occurred.

If the person failed to comply with the notice or due care requirements of this Act, the prosecuting attorney shall prosecute the case in a court of competent jurisdiction. This Act does not affect any civil remedies for damage to utility facilities except as otherwise specifically provided for in this Act.

SECTION 12

In a civil action in a court of this _____, when it is shown by competent evidence that damage to the underground facilities of an operator resulted from excavating, tunneling or demolishing operations, or the discharge of explosives, as described in section 2, and that the person responsible for giving the notice of intent to excavate, tunnel, demolish, or discharge explosives failed to give the notice, or the person did not employ hand-digging or failed to provide support, the person is deemed guilty of negligence.

SECTION 13

A person who damages the facility of an operator and who fails to comply with the provisions of this Act may be enjoined from engaging in any further excavating, demolition, discharging of explosives, or tunneling work with the _____, except under such terms and conditions as the court may prescribe to insure the safety of the public.

SECTION 14

If any provision of this Act or application thereof to any person is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the involved provision or applications, and to this end the provisions of this Act are severable.

UTILITY LOCATION AND COORDINATION COUNCIL
EXECUTIVE COMMITTEE
1976-1977

John M. Peacock, Engineering Manager, American Telephone and Telegraph Company, Basking Ridge, New Jersey (Chairman)

Orbie M. Campbell, Coordination Supervisor, Georgia Power Company, Atlanta, Georgia (Vice Chairman)

James E. Attebery, City Engineer, City of Phoenix, Phoenix, Arizona (Past Chairman)

Robert D. Bugher, Executive Director, American Public Works Association, Chicago, Illinois (Treasurer)

C. Richard Kuykendall, Director of Institute Affairs, American Public Works Association, Chicago, Illinois (Secretary)

James H. Anderson, Chief Design Engineer, Minnesota Gas Company, Minneapolis, Minnesota

Ronald L. Bonar, President, R.L. Bonar & Associates, Engineering & Surveying, Fort Wayne, Indiana

Roger K. Brown, Commissioner of Works, Borough of Scarborough, Scarborough, Ontario

Vincent L. Dowling, General Superintendent, Electrical Operations, Hartford Electric Lighting Company, Hartford, Connecticut

Varne M. Kimmick, City Engineer, City of Albuquerque, Albuquerque, New Mexico

James J. McDonough, Chairman, City Transit Authority, Chicago, Illinois

Mark J. Rifkin, Inspector of Public Works, Bureau of Contract Administration, Los Angeles, California

Barry M. Sweedler, Deputy Director, Plans and Programs, National Transportation Safety Board, Washington, D.C.

Alan J. Van Horn, Damage Control Supervisor, Northwest Natural Gas Company, Portland, Oregon

George R. Zincke, Manager Gas Division, City of Houston, Houston, Texas

ULCC INTERGOVERNMENTAL RELATIONS COMMITTEE

John L. Shelton, Vice President, Midwest Solar Corporation,
St. Louis, Missouri (Chairman)

Robert W. Gray, Chief Engineer, Gas Engineering Department,
Memphis Light, Gas & Water Division, Memphis, Tennessee

William B. Hopke, President, William B. Hopke Company, Inc.,
Alexandria, Virginia

James Houston, General Service Engineer, Department of Public
Works, Kansas City, Missouri

J.E. Sunday, Director, Department of Public Works, Fairfax
County, System Control & Planning Division, Fairfax, Virginia

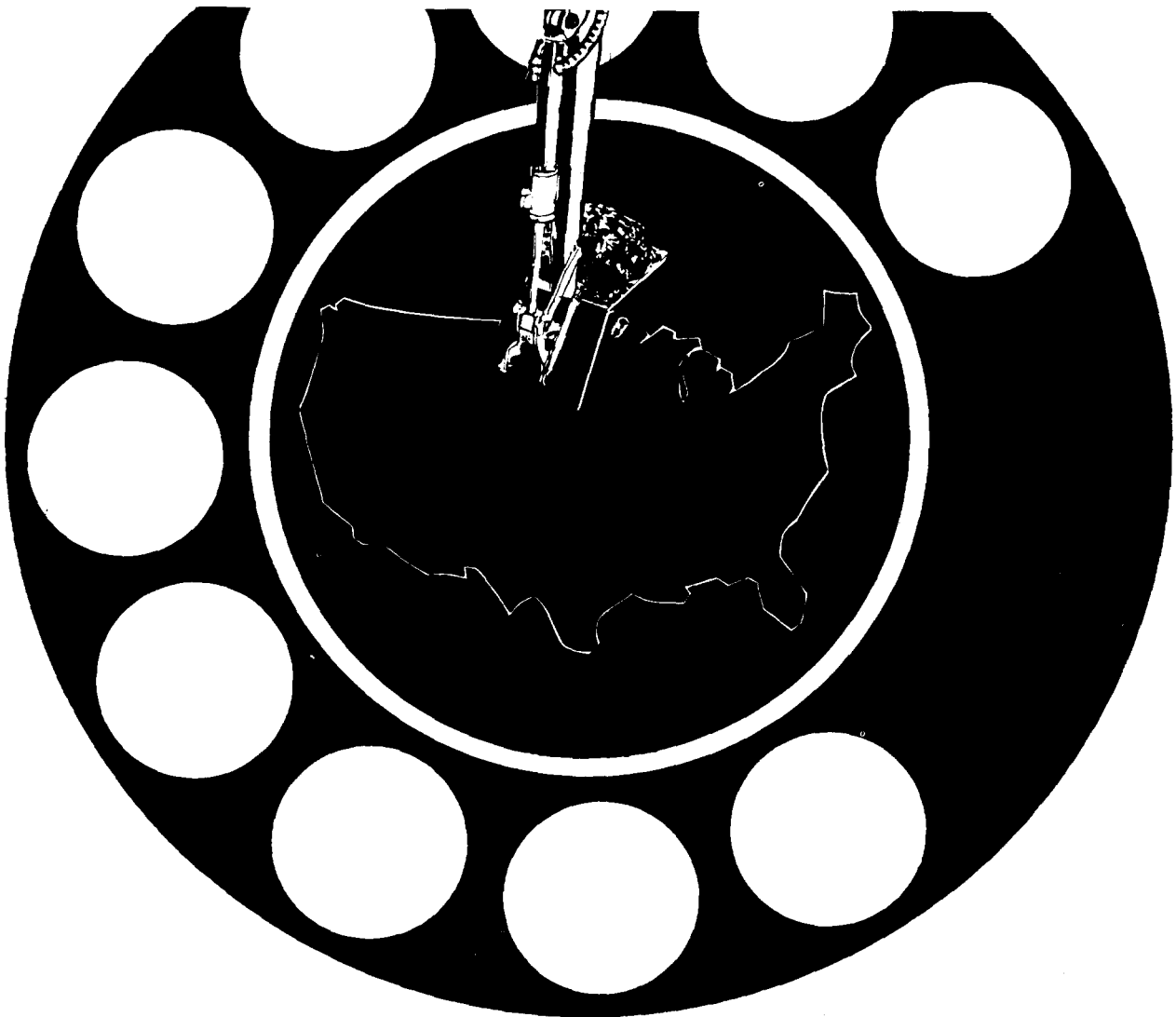
Alan J. Van Horn, Damage Control Supervisor, Northwest Natural
Gas Company, Portland, Oregon

ONE-CALL SYSTEMS IN THE UNITED STATES

AP.W.A. - U.L.C.C. - Public Information Committee



A.6 APWA-ULCC One-Call Systems in the United States



AMERICAN PUBLIC WORKS ASSOCIATION
UTILITY LOCATION & COORDINATION COUNCIL

1313 EAST 60TH STREET CHICAGO, ILL. 60637 (312) 947-2520

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SEPT. 77

ONE-CALL SYSTEM DEFINITION

WHAT IS IT?

It is a communication system established by two or more utilities, governmental agencies or other operators of underground facilities to provide one telephone number for excavating contractors and the general public to call for notification of their intent to use equipment for excavating, tunnelling, demolition or any other similar work. This one-call system provides the participating members an opportunity to identify and locate their underground facilities.

WHY IS IT NEEDED?

Damage to underground facilities increased considerably following the building boom of the '50s, '60s and early '70s when the trend was to go underground with utilities. Thousands of miles of underground facilities were vulnerable to excavating machines such as backhoes and the resulting damage interrupted utility service and threatened life, health and property.

HOW TO GET IT

Write or call the member of ULCC One-Call Systems Committee representing the area within your **APWA** region shown on the map. He will be pleased to assist you. For further information on ULCC programs, write **APWA** headquarters.

ULCC ONE-CALL SYSTEMS COMMITTEE

CHAIRMAN – Mr John B Heyer – Chairman – “Underground Service Alert” – **395** A Civic Drive, Pleasant Hill, California **94523 415-798-9503**

VICE PRESIDENT – Mr Chuck Gabriel – Secretary – “Ohio Utilities Protection Service” – **1300** East Ninth Street, Cleveland, Ohio **44114 216-822-8875**

SECRETARY – Mr C W (Chuck) Devroude – Chairman – “Miss Utility of Delmarva” – **1110 S** Governors Avenue, Dover, Delaware **19901 302-678-0050**

REGIONAL REPRESENTATIVES

REGION I – Mr John E Davidson – “Dig Safe” – Suite **1900, 101** Huntington Avenue, Boston, Massachusetts **02199 617-743-1082** (Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Brunswick, Quebec, Newfoundland, Nova Scotia, Canada)

REGION II – Mr W G (Bill) Kiger – “Call Kathy” – **201** Stanwix Street, Pittsburgh, Pennsylvania **15222 412-633-5876** (New York, New Jersey, Pennsylvania, Delaware)

REGION III – Mr H P Davis – Chairman – “Miss Utility” – **6510** Riggs Road, Hyattsville, Maryland **20783 301-559-0119** (West Virginia, Maryland, Virginia, District of Columbia)

Mr R W (Bob) Gray – “Miss Locate” – PO Box **388**, Memphis, Tennessee **38101 901-528-4488** (North Carolina, South Carolina, Tennessee, Kentucky)

REGION IV – Mr Art Fleet – Chairman – “Miss All” – Suite **330, 55** Bagby Drive, Birmingham, Alabama **35209 205-947-1104** (Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Puerto Rico)

REGION V – Mr Michael C Digon – “Miss Dig” – PO Box **369, 4600** Coolidge Highway, Royal Oak, Michigan **48068 313-549-5000 X 240** (Ohio, Indiana, Illinois, Wisconsin, Michigan, Ontario, Canada)

REGION VI – Mr Larry Pattenaude – “Julie” – Route **30** and Gouger Road, Joliet, Illinois **60433 815-727-5567** (North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Manitoba, Canada)

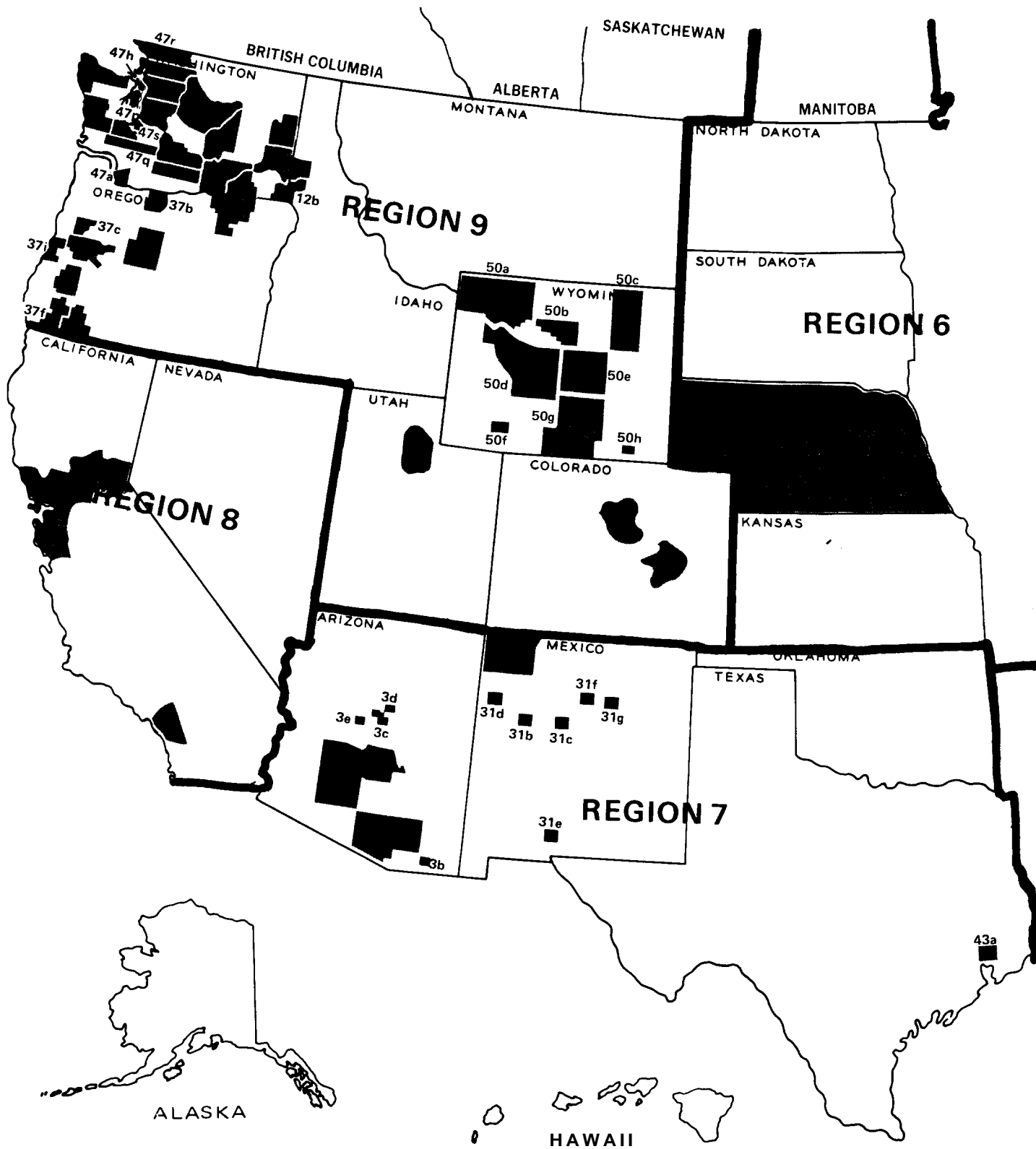
REGION VII – Mr George R Zincke – Chairman – “Utility Coordinating Committee for the Metropolitan Houston Area” – **7233** Avenue F, Houston, Texas **77011 713-222-3638** (Oklahoma, Texas)

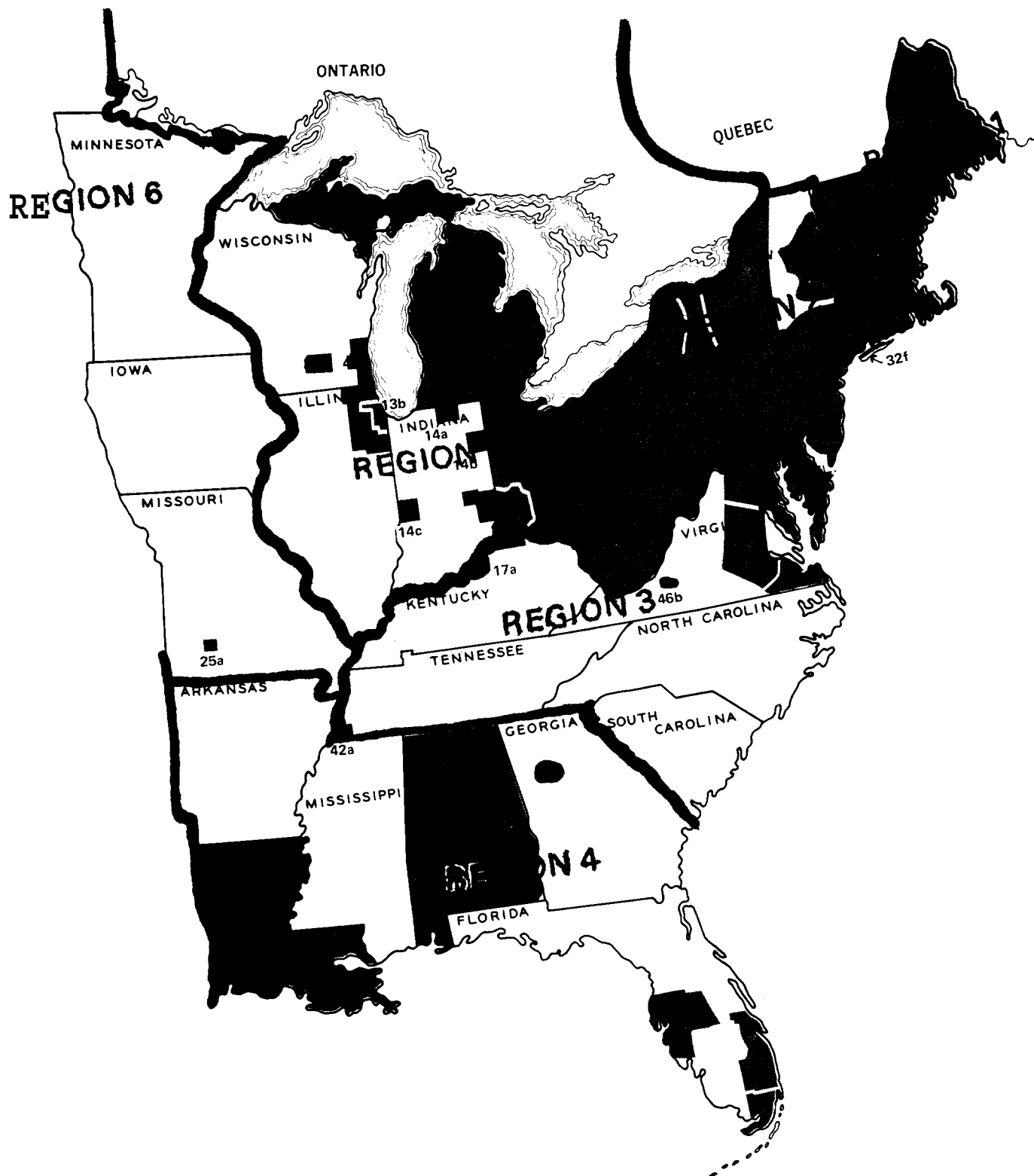
Mr George D Gilmore – “Blue Stake” – Room **912, 3033** North 3rd Street, Phoenix, Arizona **85102 602-263-3219** (New Mexico, Arizona)

REGION VIII – Mr Leon Fassler – “USA North” – PO Box **15830**, Sacramento, California **95813 916-452-3211 X 313** (Northern California, Nevada)

Mr George Hendrick – “USA South” – PO Box **3249**, Terminal Annex, Loc **424**, Los Angeles, CA **90051 213-689-2345 X 122416** (Southern California, Hawaii)

REGION IX – Mr Michael Moore – President – “Washington Utility Coordination Council” – c/o Pacific Northwest Bell, Suite **6218, West 601** Main Street, Spokane, Washington **99201 509-455-2861** (Colorado, Utah, Wyoming, Idaho, Montana, Oregon, Washington, Alaska, British Columbia, Alberta, Saskatchewan, Canada)





ONE-CALL SYSTEMS IN THE UNITED STATES

Survey No 3 – September 1, 1977

<u>STATE</u>	<u>CITY</u>	<u>CALL CENTER NO.</u>
1. <u>ALABAMA</u>		
1a Miss All (Alabama Line Location)	Birmingham	(205) 252-4444
<u>ALASKA</u>		
3. <u>ARIZONA</u>		
3a Blue Stake	Phoenix	(602) 263-1100
3b Sierra Vista Blue Stake Center	Sierra Vista	(602) 458-6900
3c Blue Stake	Cottonwood	(602) 634-2717
3d Blue Stake	Sedona	(602) 282-4646
3e Before You Dig	Prescott	(602) 778-0050
3f Blue Stake	Tucson	(602) 792-22 11
<u>ARKANSAS</u>		
5. <u>CALIFORNIA</u>		
5a Underground Service Alert	Garden Grove	(800) 422-4133
5b USA Underground Service Alert	Pleasant Hills	(800) 642-0123
6. <u>COLORADO</u>		
6a Central Locating Unit	Colorado Springs	(303) 471-6565
6b Blue Stake	Denver	(303) 534-6700
<u>7. CONNECTICUT</u>		
7a Connecticut Underground Utility Protection Plan	New Haven	(800) 922-4455
8. <u>DELAWARE</u>		
*8a "Miss Utility" of Delmarva	Dover – In Delaware - (800) 282-8555 Outside Delaware - (800) 441-83 55	
9. <u>FLORIDA</u>		
9a "Call Candy" Utility Notification Center	Tampa	(800) 282-8881
9b Centralized Cable Location Bureau	Fort Lauderdale	(800) 432-4770
9c Underground Utilities Notification Center	Miami	(305) 264-6820

STATE	CITY	CALL CENTER NO.
10. <u>GEORGIA</u>		
10a Utilities Protection Center	Atlanta	(404) 325-5000
<u>HAWAII</u>		
12. <u>IDAHO</u>		
*12a Palouse Empire Underground Coordinating Council	Pullman, WA	(208) 882-1974
*12b Lewis-Clark Utility Coordinating Committee	Lewiston	(208) 746-0840
13. <u>ILLINOIS</u>		
13a JULIE Joint Utility Locating Information for Excavators	Joliet	(800) 892-0123
13b Chicago Utility Alert Network “DIGGER”	Chicago	(312) 744-7000
14. <u>INDIANA</u>		
14a Utility Locations	Elkhart	(219) 294-7000
14b HAD-HELP	Fort Wayne	(219) 423-4357
14c BE-A-Ware	Terre Haute	(812) 232-9273
*14d United Utilities Protection Service	Cincinnati, OH	(513) 397-4664
<u>IOWA</u>		
<u>KANSAS</u>		
17. <u>KENTUCKY</u>		
*14d United Utilities Protection Service	Cincinnati, OH	(513) 397-4664
17a Utilities Protection Center	Louisville	(502) 361-2351
18. <u>LOUISIANA</u>		
18a Below Ground Utilities Protection Service	Baton Rouge	(800) 272-3020 or (504) 383-7875
19. <u>MAINE</u>		
*19a Utilities Underground Plant Damage Prevention System “DIG-SAFE”	Boston, MA	(800) 322-4844 or (800) 225-4977
20. <u>MARYLAND</u>		
*20a Miss Utility	Hyattsville	(301) 559-0100
*8a Miss Utility of Delmarva	Dover, DE	(800) 441-8355

<u>STATE</u>	<u>CITY</u>	<u>CALL CENTER NO.</u>
21. <u>MASSACHUSETTS</u>		
* 19a Utilities Underground Plant Damage Prevention System "DIG-SAFE"	Boston	(800) 322-4844 or (800) 225-4977
22. <u>MICHIGAN</u>		
22a "Miss Dig" – Utility Communication System	Royal Oak	(800) 482-7171
<u>MINNESOTA</u>		
<u>MISSISSIPPI</u>		
25. <u>MISSOURI</u>		
25a "To Begin" One-Call System	Springfield	(417) 862-3446
<u>MONTANA</u>		
27. <u>NEBRASKA</u>		
27a One Call Covers All	Omaha	(402) 344-3565
<u>NEVADA</u>		
29. <u>NEW HAMPSHIRE</u>		
* 19a Utilities Underground Plant Damage Prevention System "DIG-SAFE"	Boston, MA	(800) 322-4844 or (800) 225-4977
30. <u>NEW JERSEY</u>		
30a Garden State Underground Plant Location Service, Inc	Scotch Plains	(800) 272-1000
31. <u>NEW MEXICO</u>		
31a Blue Stake	Farmington	(505) 327-3777
31b Blue Stake	Grants	(505) 287-9292
31c Blue Stake	Albuquerque	(505) 765-1234
31d Blue Stake	Gallup	(505) 863-3330
31e Blue Stake	Las Cruces	(505) 523-5513
31f Blue Stake	Santa Fe	(505) 782-4411
31g Blue Stake	Las Vegas	(505) 425-3898
32. <u>NEWYORK</u>		
32a Capital Area Underground Locating Service	Albany	(518) 374-9908
32b UCC (Utility Coordinating Committee) of Rochester "Mac & Gus"	Rochester	(716) 546-1100

STATE	CITY	CALL CENTER NO.
32. <u>NEW YORK</u> (Contd)		
32c Underground Facilities Protective Organization, Inc	Syracuse	(315) 437-7333
32d Underground Utilities Locating Service	Buffalo	(716) 893-1133
32e Underground Utilities Call Center	Port Chester	(800) 742-1780
32f Utility Call Center	Babylon	(516) 661-6000
<u>NORTH CAROLINA</u>		
<u>NORTH DAKOTA</u>		
35. <u>OHIO</u>		
35a Ohio Utilities Protection Service	Youngstown	(800) 362-2764
* 14d United Utilities Protection Service	Cincinnati	(513) 397-4664, 4665 or 4666
<u>OKLAHOMA</u>		
37. <u>OREGON</u>		
37a Umatilla County Utilities Coordination Council	Pendleton	(503) 276-0202
37b Wasco County Underground Coordinating Council	The Dalles	(503) 298-5152
37c Linn-Benton UCC	Corvallis	(503) 752-8631
37d Lane UCC	Eugene	(503) 342-6676
37e Douglas UCC	Roseburg	(503) 673-6676
37f Josephine UCC	Grants Pass	(503) 476-6676
37g Rouge Basin UCC	Medford	(503) 779-6676
37h Deschutes UCC	Bend	(503) 389-6676
38. <u>PENNSYLVANIA</u>		
38a Call June	Harrisburg	(800) 932-0500
38b Western Pennsylvania One-Call System "Call Kathy"	Pittsburgh	(800) 142-1776
39. <u>RHODE ISLAND</u>		
* 19a Utilities Underground Plant Damage Prevention System "DIG-SAFE"	Boston, MA	(800) 322-4844 or (800) 225-4977
<u>SOUTH CAROLINA</u>		
<u>SOUTH DAKOTA</u>		

<u>STATE</u>	<u>CITY</u>	<u>CALL CENTER NO.</u>
42. <u>TENNESSEE</u>		
42a Miss Locate	Memphis	(901) 725-1000
43. <u>TEXAS</u>		
43a Utility Coordination Committee for the Metropolitan Houston Area	Houston	(713) 223-4567
44. <u>UTAH</u>		
44a Joint Utility Protection Center	Salt Lake City	(801) 532-5000 or (800) 662-4111
45. <u>VERMONT</u>		
* 19a Utilities Underground Plant Damage Prevention System "DIG-SAFE"	Boston, MA	(800) 322-4844 or (800) 225-4977
46. <u>VIRGINIA</u>		
46a Miss Utility of Tidewater	Norfolk	(800) 582-8323
46b Roanoke Valley Underground Location Service	Roanoke	(703) 982-2400
46c Miss Utility of Central Virginia	Richmond	(800) 552-7001
* 8a Miss Utility of Delmarva	Dover, DE	(800) 441-8355
* 20a Miss Utility	Hyattsville, MD	(301) 559-0100
47. <u>WASHINGTON</u>		
47a Clark County Utility One-Call	Vancouver	(206) 696-4848
47b Inland Empire Utility Coordinating Council "Call Before You Dig One-Call Number"	Spokane	(509) 456-8000
47c Thurston County Utility Coordinating Council	Olympia	(206) 943-5353
* 12a Palouse Empire Underground Coordinating Council	Pullman	(208) 882-1974
47d Benton & Franklin Counties Utility Coordinating Council	Tri-Cities	(509) 547-1177
47e Skagit County Utility Coordinating Council	Mt Vernon	(206) 424-322 1
47f Upper Yakima County Underground Utilities Council	Yakima	(509) 248-0202
* 12b Lewis-Clark Utility Coordinating Committee	Lewiston, ID	(208) 746-0840

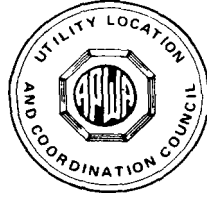
STATE	CITY	CALL CENTER NO.
47. <u>WASHINGTON</u> (Contd)		
47g Dial Dig	Everett	(206) 342-5344
47h Island County Utility Coordinating Council	Oak Harbor	(206) 675-5500
47i Lower Yakima Valley Utility Coordination Council	Sunnyside	(509) 837-2226
47j Chelan-Douglas Utility Coordinating Council	Wenatchee	(509) 663-6111
47k Clallam County Utilities Coordinating Council	Port Angeles	(206) 457-6400
47l Grant Utility Coordinating Council	Ephrata	(509) 765-6635
47m Gray's Harbor Utility Coordinating Council	Aberdeen	(206) 532-3550
47n King County One-Call	Seattle	(206) 682-5464
47o Walla Walla Area Utility Coordinating Council	Walla Walla	(509) 529-6363
47p Kitsap County Utilities Coordination Council	Bremerton	(206) 479-4600
47q Lewis County One-Call	Chelasis	(206) 736-3447
47r Whatcom Utilities	Bellingham	(206) 734-2140
47s City of Tacoma One-Call	Tacoma	(206) 272-6700
48. <u>WEST VIRGINIA</u>		
48a Cable Protection Bureau – C&P Telephone Co of West Virginia Only	Charleston	(800) 642-9009
49. <u>WISCONSIN</u>		
49a One-Call System for Dane County	Madison	(608) 255-7700
49b Diggers Hotline	Milwaukee	(414) 344-5111
50. <u>WYOMING</u>		
50a West Park County Utility Coordination Council	Cody	(307) 587-4800
50b Washakie County Utility Coordination Council	Worland	(307) 347-3636
50c Call In – Dig In, Safety Commission	Gillette	(307) 682-9811
50d Fremont County Utility Coordination Council	Riverton	Riverton - (307) 856-7555 or Lander - (307) 332-3131

STATE		CITY	CALL CENTER NO.
50. <u>WYOMING</u> (Contd)			
50e	Central Wyoming Utility Coordination Council	Casper	(307) 265-5252
50f	Sweet Water Co Utility Coordination Council	Rock Springs	(307) 362-8888
50g	Carbon County Utility Coordination Council	Rawlins	(307) 324-6666
50h	Albany County Utility Co & Coun	Laramie	(307) 742-3615

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*System includes more than one state.

**American Public Works Association
UTILITY LOCATION AND COORDINATION
COUNCIL**



Organizations which have been invited to become affiliated with the Council and which have appointed an official representative to serve as a Cooperative Member of the Council:

American Association of State Highway and
Transportation Officials
American Congress on Surveying and Mapping
American Gas Association
American Insurance Association
American Mutual Insurance Alliance
American Petroleum Institute
American Public Gas Association
American Public Power Association
American Right of Way Association
American Road and Transportation
Builders Association
American Society of Civil Engineers
American Society of Mechanical Engineers
American Society of Photogrammetry
American Society of Safety Engineers
American Water Works Association
Associated General Contractors of America
Distribution Contractors Association
Edison Electric Institute
International Brotherhood of
Electrical Workers
International Union of Operating Engineers
Interstate Natural Gas Association
of America
National Association of Home Builders
National Association of
Regulatory Utility Commissioners
National Utility Contractors Association
Pipe Line Contractors Association
Power and Communication
Contractors Association
Water Pollution Control Association